

March 14, 2006



TRANSCRIPT
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MONTGOMERY COUNTY COUNCIL

PRESENT

George Leventhal, President	Marilyn J. Praisner, Vice President
Phil Andrews	Howard Denis
Nancy Floreen	Michael Knapp
Thomas Perez	Steven A. Silverman
	Michael Subin

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Council President Leventhal,
Good morning, the Montgomery County Council is in session. We have the new Imam of the Ahmadiya Movement here. We're very glad to see you. Hope you're well installed. I enjoyed working with your predecessor there at the Ahmadiya Mosque. Please join us for the invocation. Please rise.

Imam Daud Ahmad Hanif,
Thank you. [SPEAKING FOREIGN LANGUAGE] In the name of Allah, the gracious and merciful, all praise belongs to Allah alone, Lord of the worlds, the gracious and merciful master of the day of judgment. Thee alone do we worship, and thee alone do we implore for help. Guide us in the right path, the path of those on whom thou has bestowed thy blessings. Those who have not incurred thy displeasure, and those who have not gone astray. Allah burdens not any soul beyond its capacity. It shall have the reward it earns and it shall get the punishment it incurs. Our Lord do not punish us if we forget or fallen into error, and our Lord lay not on us a responsibility as thou didst lay upon those before us. Our Lord burden not -- burden us not with what we have not the strength to bear, and erase our sins and grant us forgiveness, and have mercy on us. Our Lord there is none who can buy your bounties, nor is there anyone who can grant that what you withhold. We beseech you our Lord, make this County and this country of ours, a beautiful County, and grant its inmates and residents all aforementioned bounties and favors in abundance, and remain our protector and guide us always, Amen.

Council President Leventhal,
Amen, thank you very much, [SPEAKING FOREIGN LANGUAGE]. Okay. Will Kate Shifflett and Kathy Lehman join me please? Maybe you would like to explain what brings you here in your efforts to raise awareness of Multiple Sclerosis. Speak into the microphone.

Kate Shifflett,
Kathy and I both work at the National MS Society and are delighted to be here today. Our national office has declared it MS Awareness week this week, and we're very happy to have Montgomery County helping us in this effort. M.S. affects about 400,000 people nationwide, and the national society works hard to provide programs and services, and invest money into research to help people with this disease. So we appreciate your help and everything you can do in getting involved with programs and events we have going on through out the area. Thank you.

Council President Leventhal,
Okay, thank you. We have this proclamation that states, "WHEREAS Multiple Sclerosis, M.S., is a chronic and often disabling disease of the Central Nervous System that effects approximately 1,434 people in Montgomery County and 400,000 nationwide. And WHEREAS Multiple Sclerosis is a disease that not only effects the person with the disease but also greatly affects family and friends. And WHEREAS the National Multiple Sclerosis Society, National Capital Chapter supports the mission to end the devastating

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effects of M.S. and since it began has committed more that \$500 million to support M.S. research related programs. And WHEREAS the National Multiple Sclerosis Society, National Capital Chapter provides education, and supports programs that improve the quality of life for people with M.S. in Montgomery County. and WHEREAS research continues to bring us closer to a cure. While contributing to the development of improved treatment options that enhance the quality of life for people with M.S. Now therefore do we, Douglas M. Duncan, County Executive, and George L. Leventhal, County Council President, proclaim this week, March 13th through 17th, 2006, M.S. Awareness Week in Montgomery County." Great, thank you for your good work. Thank you very much. Thanks for being here.

Kate Shifflett,
Thank you very much.

Council President Leventhal,
We now have another proclamation by Councilmember Floreen to our Rhodes scholars. William Hwang, Rahul Satija, and Nicholas Schmitz, please join us in the front of the room here.

Councilmember Floreen,
This is a real treat. Once again, Montgomery County has garnered three winners of the Rhodes Scholarship. Of 32 we have three from Montgomery, and William Hwang here is a graduate of Montgomery Blair High School. And the other two -- Rahul Satija was a graduate of Montgomery Blair, and Nicholas Schmitz, who attended Walt Whitman -- couldn't make it this morning, they're busy thinking great thoughts elsewhere. But, we really want to congratulate William here. The Rhodes Scholarship, as you know, was started by Cecil Rhodes in 1902, and in 1904 the first Americans were selected. Rhodes scholars receive a full two-year scholarship to Oxford University with the option of renewing for a third year. William Hwang is a Senior at Duke. He's published seven scientific research papers, including one that was the first student paper ever to be published on the Washington Academy of Science website. He's also, in his copious spare time, founder of the United Interworks Academy which is a non-profit organization that provides underprivileged students with an opportunity to explore the real world links among science and engineering disciplines, fosters career interests in science and engineering, uses current neuroscience in educational research to develop mentoring, teaching, and learning methods that build student confidence in problem solving. You are coming back to work for MCPS, are you not? That's a yes, right? United Interworks Academy currently has chapters, believe it or not, at Duke, and the University of Maryland, and Georgetown and the University of Pennsylvania are in the process of developing chapters. At Oxford he's planning to go get his Doctorate in Biological Sciences. Congratulations.

Multiple Speakers,
[APPLAUSE]

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1 Councilmember Floreen,
2 We have three nice proclamations suitable for framing, but because we're putting our
3 money into education, we don't give you a real frame. But, let me read this
4 proclamation. "WHEREAS three former Montgomery County Public High School
5 students were among only 32 Americans out of 903 applicants named as recipients of
6 the 2006 Rhodes Scholarship. And WHEREAS this program is a postgraduate
7 scholarship for study at the prestigious Oxford University in England. And WHEREAS
8 applicants are chosen on the basis of high academic achievement, integrity of
9 character, a spirit of unselfishness, respect for others, and qualities of leadership. And
10 WHEREAS William Hwang is a graduate of Montgomery Blair High School and a Senior
11 at Duke University with the usual triple major in Physics, Biomedical Engineering, and
12 Electrical and Computer Engineering." Oh, you're our guy! "Now, therefore be it
13 resolved that the Montgomery County Council proudly recognizes and commends
14 William for his impressive achievement the for become a Rhodes Scholar." Presented
15 today and signed by our Council President, George Leventhal. Congratulations, William.
16 [APPLAUSE] The photo...and special -- his parents are here in the audience, and we
17 want to give them our special congratulations, they're the source of all your support, I'm
18 sure William. Would you like to say anything? Take the opportunity.

19
20 William Hwang,
21 I really appreciate this and I wanted to thank Councilwoman Floreen and the entire
22 County Council for recognizing this. It's been great growing up in this County and going
23 to school here, so thank you so much.

24
25 Councilmember Floreen,
26 Way to go William, here you go.

27
28 Multiple Speakers,
29 [APPLAUSE]

30
31 Councilmember Floreen,
32 Thank you.

33
34 Council President Leventhal,
35 Excellent. Point of Personal Privilege for Mr. Perez.

36
37 Councilmember Perez,
38 As long as we're recognizing people, Mr. President, if I could take a moment to
39 recognize one of my -- two of my colleagues actually. Last week the "Daily Record"
40 came out with Maryland's Top 100 Women, and once again Marilyn Praisner was
41 recognized for a long lifetime of accomplishments. She's now in a category called the
42 Circle of Excellence. Which is people who have been -- women I should say, who have
43 been recognized three times. People who have been recognized three times, and I
44 wanted to say congratulations to Councilmember Praisner on this award and being in
45 the Hall of Fame for Maryland's Top 100 Women. I also wanted to congratulate -- I got

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1 an invitation to an event at Montgomery College, Mr. Subin, in early April, in which...Mr.
2 Subin will be recognized for a lifetime of remarkable service to Montgomery College. So
3 two of our colleagues who have a distinguished record of service to our community are
4 being acknowledged. And I wanted to make sure that the public was aware of that. And
5 I want to thank you, Mr. President, for giving me this moment to acknowledge two of our
6 colleagues.

7
8 Council President Leventhal,
9 Thank you, Mr. Perez, very much appreciated. Okay, announcements of Agenda or
10 Calendar changes, Ms. Lauer.

11
12 Linda Lauer,
13 Good morning, the Consent Calendar addition is an action. You have a resolution
14 before you today to deny the amendment to the ten-year water and sewer plan,
15 Derwood Bible Church multi use system. That's the final vote to reflect what you -- the
16 votes that you took last week. Legislative session; just a change. We have moved the
17 public hearing on the repeal of the Human Rights Discrimination Housing Bill. That
18 hearing will be on Tuesday, April 25th. Thank you.

19
20 Council President Leventhal,
21 Thank you.

22
23 Linda Lauer,
24 Oh, one other thing is the MFP meeting on Thursday has been canceled, Thursday
25 afternoon. And we do have some petitions: College Garden Elementary School is
26 supporting modernization of their school; we have a petition opposing housing
27 development on the Montgomery Village Golf Course property; a petition supporting the
28 renovation of the Gaithersburg Library; one supporting full funding of the library's
29 budget; and the Walter Johnson High School students supporting the modernization of
30 their school. That's it, thank you.

31
32 Council President Leventhal,
33 Thank you very much, and are there minutes for approval? Oh, Mr. Subin.

34
35 Councilmember Subin,
36 On the schedule, we have a public hearing set on Seven Locks for Tuesday evening,
37 the 21st.

38
39 Council President Leventhal,
40 That's correct.

41
42 Councilmember Subin,
43 Given the Council President's initiative last week, is that still necessary?

44
45 Council President Leventhal,

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1 Mr. Subin, my preference...

2
3 Councilmember Subin,
4 I'm simply asking that as a question.

5
6 Council President Leventhal,
7 The question is well taken, but my preference would be to keep it on the schedule,
8 because -- I'll explain the reason why. There were a lot of folks who had signed up, but
9 were waitlisted at the first hearing who are eager to be heard, and if we cancelled it now
10 they've been looking for a chance to be heard.

11
12 Councilmember Subin,
13 Fine.

14
15 Council President Leventhal,
16 And we are now moving ahead to the approval of minutes. Are there minutes for
17 approval?

18
19 County Clerk,
20 The minutes of February 27th for approval.

21
22 Councilmember Praisner,
23 Move approval.

24
25 Council President Leventhal,
26 Ms. Praisner has moved and Mr. Knapp has seconded approval of the minutes. Those
27 in favor will signify by raising their hands. It's unanimous. We have the Consent
28 Calendar before us.

29
30 Councilmember Knapp,
31 Move.

32
33 Councilmember Praisner,
34 Second.

35
36 Council President Leventhal,
37 Mr. Knapp has moved and Ms. Praisner has seconded approval of the minutes --
38 excuse me approval of the Consent Calendar. We note the addition of item H, regarding
39 Derwood Bible Church. There are no comments on the Consent Calendar. Those in
40 favor of the Consent Calendar will signify by raising their hands. It is unanimous. That
41 will take us to the proposed uses of one-time FY '06 revenue. We're a bit ahead of
42 schedule and I know that there will be some questions for the School System. Is there
43 any representative -- I don't see any representative of MCPS here.

44
45 Councilmember Denis,

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1 Well we can do it without them.

2
3 [LAUGHTER]

4
5 Councilmember Floreen,
6 We don't need them.

7
8 Councilmember Denis,
9 We can do it without them.

10
11 Council President Leventhal,
12 Okay, maybe appropriate staff could place a call. I see Mr. D'Ovidio standing in the back
13 of the room. I know that Councilmembers are going to have questions about the
14 Financial Information System. So -- they're on their way? Exactly. So, let's begin and
15 understanding we're ahead of schedule. So, Mr. Farber, what are we going to do now?

16
17 Steve Farber,
18 Good question.

19
20 [LAUGHTER]

21
22 Council President Leventhal,
23 I only ask good questions.

24
25 Councilmember Silverman,
26 Talk amongst yourselves.

27
28 Steve Farber,
29 You have before you -- and please let me know if you don't -- the addendum for Item
30 4A. This is a memorandum from the Council President. It was distributed late yesterday
31 afternoon after both the PHED Committee had met in the morning and the Education
32 Committee in the afternoon, to complete work on Committee recommendations. What
33 we're talking about, of course, is -- or stems from the action of the Council in December
34 to allocate \$23.8 million in excess revenue in Fiscal Year '06 to one-time expenditures
35 in Fiscal Year '06 in two areas.

36
37 Council President Leventhal,
38 Mr. Farber, do we have extra copies of my memo?

39
40 Steve Farber,
41 Yes, we do.

42
43 Council President Leventhal,
44 Could we just distribute them to all Councilmembers? Not the memo from Steve Farber.
45 The memo from that -- what's his name, the Council President.

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[LAUGHTER]

Multiple Speakers,
[INAUDIBLE]

Council President Leventhal,
Yeah, I could use another copy, and Mr. Silverman needs a copy, Mr. Subin may need a copy.

Steve Farber,
The one-time revenues were to be allocated in two areas, infrastructure maintenance and I.T. upgrades. The Council invited all of the agencies to transmit requests. They did so in January. There was a public hearing on March 7. And the Committees have reviewed all of these different proposals. And also have developed a few proposals of their own. The total, as you can see from the table on Circle 3 of Mr. Leventhal's memo dated yesterday, was \$67.5 million. A total for the suggestions from both the agencies and Committees. The amount that the Council had agreed to fund in December was \$23.8 million. The Committees, as I say, went to work and you can see also on Circle 3, under the Committee recommendation column, that the total of what Committees actually did recommend came out to \$23.8 million, the amount designated by the Council in December. We have indicated in the table, and I want to thank Mr. Sherer for his excellent work on that table and also our analysts for the packets that they have written as back up for this memorandum. We have included, as you can see, the projects that were originated by Committees as well as those by the agencies themselves, and those suggested by the County Executive.

Council President Leventhal,
Okay, Mr. Farber, what I'm going to suggest is each Committee chair very briefly describe the basis for the recommendation from his or her Committee. So, why don't we go ahead and begin with the PHED Committee, Chairman Silverman.

Councilmember Silverman,
I had a point I actually wanted to raise, I don't know what...

Councilmember Floreen,
I have a threshold question.

Councilmember Silverman,
Yeah, so do I.

Council President Leventhal,
Threshold questions. All right, Mr. Silverman followed by Ms. Floreen.

Councilmember Silverman,

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1 Thanks, I'd like to get a context in which we're making these decisions. I know that the
2 County Executive assumed in his budget, at least as it's been explained to us, that this
3 \$23.8 million he already assumed we were going to spend based on the SAG decision
4 that was made in December out of FY '06 numbers. What I would like to understand
5 from Mr. Farber is what is the situation with regard to what's known, at least at this
6 point, in terms of the state, and potential shortfalls of monies from the state? If we could
7 get some context. We certainly know, I did read in the paper this morning that the
8 County Executive has fully funded the School System, and then I read later on in the
9 story that except for GCI, which is the fourth year in a row that we will be put... right, and
10 we know how it ends, and this year the number is bigger than before. It's over \$17
11 million, which coincidentally, is the cost of every single new initiative the School System
12 has put on the table. So, I know we're all ready for FY '07 in a \$17 million hole in
13 connection with the School System. What other issues are there?

14
15 Steve Farber,

16 Well, in general, while we're certainly better off in terms of the state budget than say
17 three years ago when there was a very difficult situation, nonetheless there are some
18 outstanding issues. For example there is Silver Spring Transit Center. Our assumption
19 there had been nearly \$6 million. There's nothing in the Governor's budget for that.
20 There's also an issue from last year, there was a dispute about highway user revenue,
21 and \$26 million was withheld. Our share of that is much smaller perhaps, \$2 to \$3
22 million and the situation is as yet unresolved. It may be resolved favorably, it may not.
23 There are some smaller issues having to do with medical assistance and mental health
24 that have not yet been resolved. Those I think are the major ones. The other X factor, of
25 course, is always school construction. There, there's the possibility of some more
26 favorable news from the Senate side but the final number has not yet been determined.

27
28 Councilmember Silverman,

29 My understanding is that we're \$9 million short on school construction at this point
30 based on what's already been allocated versus what we assumed, in -- when I say we
31 assumed -- what we've assumed and what the County Executive put in his Capital
32 Budget that we're shooting for \$30 million on unassumed. So, if while it would be great if
33 we have that, we don't know today whether that's going to be -- that shortfall will be met
34 which will leave us a \$9 million hole if it isn't closed in the spring.

35
36 Steve Farber,

37 We don't know the final answer yet.

38
39 Councilmember Silverman,

40 Okay. Okay, thanks.

41
42 Council President Leventhal,

43 Okay, Ms. Floreen.

44
45 Councilmember Floreen,

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1 Thank you, kind of a follow-up to that question, based on the questions Mr. Silverman
2 just asked, we're looking at an expectation of about what \$30 or \$40 million from the
3 state that we're not sure about at this point?

4
5 Steve Farber,
6 I think the number -- it's hard to estimate, but the one thing that appears likely, and
7 again this is not settled, but appears quite likely is the Geographic Cost of Education
8 Index which is \$17 million.

9
10 Councilmember Floreen,
11 That one we're pretty sure is going to continue to be a challenge.

12
13 Steve Farber,
14 Just as it has been.

15
16 Councilmember Floreen,
17 As anyone can say about that at this point.

18
19 Steve Farber,
20 Yes.

21
22 Councilmember Floreen,
23 And -- okay, so that's a question mark as to state issues. Can you -- I don't know about
24 my colleagues but I have simply been reading the newspaper and the press releases
25 about what has been added to both the operating and capital budgets. Do I understand,
26 I understand correctly that capital money has been allocated to keep the schools
27 construction schedule on track, as was proposed by the Board of Education?

28
29 Councilmember Subin,
30 That's -- yes, the Executive yesterday announced that because of the additional receipts
31 from the state, he would be taking those receipts and recommending that we use them
32 as current revenues and put them, as I understand it, in so that the MCPS CIP schedule
33 could be maintained as harmless -- or held harmless and that it should go forward as
34 they gave it to us.

35
36 Steve Farber,
37 Yes, I think in addition, Mr. Subin, we will know tomorrow when we get the County
38 Executive's budget. There maybe a substantial infusion of additional PAYGO that will
39 help with the whole school construction issues.

40
41 Councilmember Subin,
42 Yeah, that's what he was planning to do.

43
44 Councilmember Floreen,
45 That's what I understand.

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1
2 [LAUGHTER]

3
4 Councilmember Floreen,
5 Martha...

6
7 Multiple Speakers,
8 [INAUDIBLE]

9
10 Councilmember Floreen,
11 And as I also...

12
13 [LAUGHTER]

14
15 Councilmember Praisner,
16 Move over, Howie.

17
18 Martha Lamborn,
19 I'm really sorry.

20
21 Councilmember Silverman,
22 You always wanted to be on this side of the table.

23
24 Martha Lamborn,
25 No I didn't.

26
27 Multiple Speakers,
28 [INAUDIBLE]

29
30 Councilmember Floreen,
31 Martha, could you tell us what the story is?

32
33 Martha Lamborn,
34 I just wanted to -- because it's part of what you're discussing now. The Executive's full
35 funding on MCPS' schedule includes an assumption of \$11.75 million in '06 which is
36 part of what he recommended on January 12th.

37
38 Councilmember Floreen,
39 11-point...

40
41 Martha Lamborn,
42 Half of 23.5.

43
44 Councilmember Floreen,
45 Assumes half of what we're looking at right now?

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1
2 Steve Farber,
3 No, that -- the 11.7, I believe, is what we're -- what the Committee will be recommending
4 for the FY '06 supplementals.

5
6 Councilmember Floreen,
7 Martha, could you come back? Don't leave.

8
9 Steve Farber,
10 Part of what the Committee is going to be recommending was originally part of the '07 to
11 '12 CIP. And we're recommending that -- the Committee will be recommending that
12 those projects be paid out of, or started in some cases, out of the '06 supplemental. And
13 so with -- the Executive's recommendation was predicated on backing some of the '07
14 money out, and moving it into '06 .

15
16 Councilmember Floreen,
17 So Martha is shaking heir head, good, that's good, and then do I understand then that
18 the transportation money that has been announced would be available in later years as
19 a -- through the bonding program, general obligation bonds in later years. And that
20 basically is a shift of monies that had otherwise been allocated for -- well, to a certain
21 degree, because those school projects were moved back into line. Okay, so what the
22 School System has anticipated, or needs to keep on track assumes 11-point whatever,
23 of this number here, the 23.8 we're looking at here, to keep that on track.

24
25 Martha Lamborn,
26 That's correct.

27
28 Councilmember Floreen,
29 Okay, thank you.

30
31 Council President Leventhal,
32 Mr. Subin.

33
34 Councilmember Subin,
35 I'm sorry.

36
37 Council President Leventhal,
38 Okay, so let's go ahead and hear from each Committee Chair as to the basis for the
39 Committee's recommendations. Chairman Silverman.

40
41 Councilmember Silverman,
42 Thank you, Mr. President. The PHED Committee recommendations are contained. The
43 easiest thing is to look at the table, though we've got agenda items for this, but the
44 PHED Committee looked as H.O.C. requests which totaled \$7 million. The Committee
45 did not recommend approval of any of them...at this point and time. Ms. Praisner

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1 supported the telephone, hardware, and software system, which is three-quarters of a
2 million dollars in FY '06, and Ms. Praisner supported the million dollar public housing
3 improvements at \$500,000 in FY '06. We were unanimous on everything else. The
4 Committee is willing to consider all of these items -- well, let me try it in a different way.
5 The Committee wants to wait on the sprinkler system issues, which is Lines 13 through
6 17, until we get a comprehensive look at the whole issue of fire regulations, which I'm
7 sure Mr. Andrews knows will be coming over sometime. Sometime. Sometime. But we
8 didn't want to advance our efforts, first of all, because we weren't sure whether what
9 H.O.C. was proposing would match up with whatever is going to get sent over, because
10 we don't have anything, and, number two, we didn't want to get ahead of, we wanted to
11 know what we were asking ourselves to do in connection with what we were asking the
12 private sector to do, and again we don't have any regulations. So, while we consider it
13 to be an issue that should be focused on, we wanted to defer this until we actually get
14 some regs regarding what the Fire Marshall is actually suggesting we do. On the other
15 items, on the telephone, hardware, software, and public housing improvements, we
16 want to consider this in the context of the FY '07 budget. They may make sense as one-
17 time expenditures with additional revenues but, for example, since we have no idea as
18 of today, March 14, when what is in the County Executive's Operating Budget for
19 housing, it seemed premature to make a decision about this allocation to H.O.C. without
20 for example, even knowing what the County Executive did with the Housing
21 Opportunities Commission. There's several million dollars that is usually funded out of
22 their budget from the County Executive's budget and while the County Executive has
23 had several preliminary press conferences or press releases relating to what monies
24 he's putting into a variety of programs, we don't have any idea what he's doing with
25 regard to H.O.C.'s budget request. In connection there was one other item, sorry. On the
26 next page which is Circle 3, which are all the Park and Planning requests, the Council --
27 the Committee supported the minor renovations. This is Line 70 and Line 71, roof
28 replacements, non-local. But we wanted again to indicate that we would like that rolled
29 into our FY '07 discussions. We did support the document imaging which is a quarter of
30 a million. That is the only thing of this entire package for H.O.C. or Park and Planning
31 that we did approve and ship off to the Council for consideration for FY '06, and that's
32 because the document imaging is tied into a lot of the technology reforms and overall
33 reforms at Park and Planning. Everything else from Line 73 down are items, that while
34 we consider them worthwhile to review, we thought that it made sense to consider them
35 again, in the context of the FY '07 budget. Again same reason, the County Executive, I
36 think prior to last year, I believe last year was the first year in the 7 budgets that I have
37 been on the Council that the County Executive fully funded Park and Planning's
38 Operating Budget. So again, we weren't in a position to know what the County
39 Executive was going to be doing with the Operating Budget for Park and Planning, and
40 thought that it made more sense to roll all of these other requests into the FY '07
41 budget. So, that's -- the only thing that the PHED Committee is recommending for
42 approval is \$250,000 for document imaging, which we consider a priority tied into all of
43 the post-Clarksburg reforms.

44
45 Council President Leventhal,

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1 Thank you, Mr. Chairman, and I should have at the start thanked Steve Farber and
2 Chuck Sherer for their good work in putting this package together, compiling all of the
3 Committee recommendations and making sure the numbers added up. So we're now
4 taking questions or comments on the PHED Committee's recommendations regarding
5 H.O.C. and Park and Planning. Mr. Knapp.

6
7 Councilmember Knapp,

8 Thank you, Mr. President, I just wanted a quick clarification on the sprinkler system
9 piece again. I just want to make sure I understood it. So, the Committee's perspective
10 was that we don't have the regulations, and so you didn't want to be approving
11 something until we had an understanding of -- making sure we were actually doing what
12 was really proposed?

13
14 Councilmember Silverman,

15 Yes, and we also -- you could have a scenario in which whatever it is H.O.C.'s going to
16 do could be less than what we're actually asking the private sector to do. Since we don't
17 have any regulations and that certainly doesn't seem fair, if we're going to have
18 regulations that are going to apply to the private sector then it certainly seems that we
19 meet the same tasks, but...

20
21 Councilmember Knapp,

22 Okay, so you're just making sure we've got an apples to apples comparison of whatever
23 it is that we're doing.

24
25 Councilmember Silverman,

26 Right, and it is unclear -- there is no question about the fact that there is a legitimate
27 concern that's been raised as has been raised about high rises everywhere. The H.O.C.
28 study that they did came out of the Blair Apartments fire. It prompted the
29 Commissioners to say, "Hey, we've high rises what are we doing? So they did a study,
30 they determined that they ought to move into this direction. The question is how does
31 what they want to do match up with the what the Fire Marshall is essentially going to
32 end up recommending? And it was a little unclear as to when we're going to get those
33 regs. It certainly will not be during this budget process.

34
35 Councilmember Knapp,

36 Oh, so we wouldn't even be able to consider it for the FY '07 budget?

37
38 Councilmember Silverman,

39 Not in the context of the next 60 days, that is correct.

40
41 Councilmember Knapp,

42 Well, so we're going to wait, well unless it comes over to supplemental we're not going
43 to likely do these.

44
45 Councilmember Silverman,

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1 That would be correct.

2
3 Councilmember Knapp,
4 That's troubling, okay.

5
6 Councilmember Silverman,
7 But we also frankly had no...since the Fire Marshall doesn't have regulations it was
8 impossible to evaluate what it is H.O.C. wants to do, and whether it's the right fix, the
9 wrong fix, and whether their cost estimates are correct as well.

10
11 Councilmember Knapp,
12 So our first order of business really needs to make sure we get the regulations very
13 quickly, so we can...

14
15 Councilmember Silverman,
16 Which -- I'd say very quickly, but it's been 8 years, so...

17
18 Councilmember Knapp,
19 Duly noted.

20
21 Council President Leventhal,
22 Mr. Andrews

23 Councilmember Andrews,
24 Thank you. I do understand the PHED Committee's recommendations. I'm not going to
25 make a motion but I do hope that, I want to commend H.O.C. for highlighting this
26 because I think this is a critical need, because high rise residential buildings with
27 seniors are probably the most at risk, most problematic for any potential fire that we
28 might have. both in terms of the time it takes to evacuate, and the time it takes to get
29 equipment up in a high rise. So, it is very important that we address this issue in the
30 near future, and I'm glad that H.O.C. put this forward. I would just add that because
31 these are County buildings and really people who are receiving a County support, I do
32 think there is an extra obligation there on our part to make sure these buildings are safe.
33 So, in that respect, I think it's a little different than the rest of the housing sector, the
34 private sector. So I hope we will address this soon, and again, I think this is an issue
35 that the Fire Service fully appreciates and I look forward to seeing their work product as
36 soon as it is ready to go.

37
38 Council President Leventhal,
39 Ms. Praisner.

40
41 Councilmember Praisner,
42 I'd like to move the Park and Planning request for the \$87,500 for security initiatives. We
43 have more and more folks who are accessing the Park and Planning websites, et
44 cetera, because of our proposals to encourage more access issues. And given security

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1 problems with networks, I think this is something that is of high priority and so I would
2 move the \$87,500.

3
4 Council President Leventhal,
5 I'm not hearing a second. If there is no second the motion fails for lack of a second. Ms.
6 Praisner your light is still on.

7
8 Councilmember Praisner,
9 Oh, I'm sorry.

10
11 Council President Leventhal,
12 Okay, we will vote on all the Committee recommendations as a package, since they all
13 have been recommended by Committees, and so we will now go over the
14 recommendations of the Education Committee for Montgomery College and for the
15 Montgomery Public Schools. Chairman Subin.

16
17 Councilmember Subin,
18 Thank you, Mr. President. First the colleges, the colleges requested \$3.6 million, the
19 Executive recommended \$700,000, and the Committee is recommending \$2 million.
20 The first two items were planned life cycle asset replacement in two different areas.
21 That was a total of \$600,000. The Executive and the Committee are recommending no
22 FY '06 monies for that. However, beginning in FY '07, in accordance with the '05 to '10
23 CIP, the Committee is recommending significant increases in PLAR beginning in FY '07.
24 So the monies will be there, albeit not right away. The next issue was site improvements
25 to repair roads and sidewalks. The college requested \$1 million, the Executive
26 recommended half million dollars, and the Committee is recommending the full million
27 dollars. If you look at especially the Rockville campus, there is a lot of work that needs
28 to be done in that arena. The next item was the network infrastructure and support
29 systems to replace the switches, hubs, servers, and routers. That is an issue in which
30 that equipment is so old that Verizon has said they can no longer support it, will no
31 longer support it, do not have the capability to support it. We're recommending \$1
32 million out of the '06 supplemental and that the remainder of the money, the remaining
33 \$1 million, be considered as part of the '07 CIP to come out of Pay/Go. The outdoor
34 athletic facilities -- the college didn't ask for anything, the Executive recommended
35 \$100,000, the Committee agreed with the college. And on the stormwater management,
36 we had the same issue. The Executive recommended \$100,000, the college asked for
37 nothing there, and the Committee is recommending we go along with the college on
38 that, although the stormwater issue at the college does need to be addressed. That is
39 the Committee's recommendation, Mr. Chairman, the total coming to \$2 million.

40
41 Council President Leventhal,
42 For the college?

43
44 Councilmember Subin,
45 For the college.

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1
2 Council President Leventhal,
3 Thank you, Mr. Chairman. And Mr. Silverman I believe your question relates to the
4 public schools, or is it regarding the college. Regarding the college, Mr. Silverman.

5
6 Councilmember Silverman,
7 Okay, who's here from the college?

8
9 George Kelso,
10 Mr. Lori[ph] would normally be here, but his mother-in-law is gravely ill in Ohio, so the
11 family is all there. He asked me to represent him here.

12
13 Councilmember Silverman,
14 Okay, I guess this a question for you or a question for the Chair of the Education
15 Committee. I know later on today we will take up Committee recommendations for the
16 college capital improvement program, but I'd like to understand what the shortfall is in
17 FY '07 between the County Executive's recommended Capital Budget and what the
18 college asked for. Because what we're being asked to do in the Committee
19 recommendation is to spend this money today, ahead of every other capital request that
20 the college has in FY '07. So, I'd like to understand whether we're going to be
21 addressing shortages in FY '07 for the college. And that includes moving up projects
22 that the college wants moved up that the County Executive did not put on the same time
23 line.

24
25 George Kelso,
26 The initial request, the way I understood it, is that the money had to be committed this
27 fiscal year when this started back in December or whatever. And these were two
28 projects that we had to do. We knew we could requisition, commit the money in
29 December if we had to. We don't have it yet. So that's where that, these are critical
30 projects.

31
32 Councilmember Silverman,
33 I understood.

34
35 George Kelso,
36 The way Mr. Subin just explained it, and I wasn't in some of these meetings, the way I
37 understand it, because we also have a parallel CIP thing going on, that the \$1 million
38 could be spent now and the other million would be reviewed in the CIP thing for FY '07.
39 Delaying this other 4 or 5 months I don't believe will hurt the college as long as we get
40 the funds somehow.

41
42 Councilmember Subin,
43 And that's the way the Committee understood it.

44
45 Councilmember Silverman,

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1 Well, my question is this. My understanding is that the college wants to accelerate some
2 projects that are in the Capital Budget that are not on the time line, that the County
3 Executive had proposed. I may be wrong about that, and I'm happy to stand corrected.
4 I'm just trying to understand what projects if any, in the college's Capital Budget, the
5 college wants accelerated that will have an impact on FY '07 because we're being
6 asked today, ahead of everything else that we will discuss in the spring when we
7 reconcile the Capital Budget, to spend \$2 million And I want to know whether that's \$2
8 million -- obviously it's \$2 million that will not be available in the Capital Budget
9 discussions that we have in the spring. So I'm just trying to understand what else the
10 college wants.

11
12 Councilmember Subin,

13 The college's additional request of the '06 money, is that...

14
15 Councilmember Silverman,

16 No, no. This is the same question I'm going to ask the School System. Which is, School
17 System wants its \$8 million and they want it today. That means that's \$8 million that is
18 not going to be available for our discussion in the spring about the GCI and about the
19 school's Capital Budget. So, if the School System wants to say that that's their number
20 one priority, ahead of anything else, then we'll have that discussion with the School
21 System. When I got briefed on the college's Capital Budget as everybody has been
22 briefed on it, my understanding is that they wanted some acceleration of projects. And
23 what I'm trying to understand is, in their request for acceleration of any projects, do they
24 have any FY '07 fiscal impact? Because if they want to move up, you know, building X...

25
26 Councilmember Subin,

27 You mean on the Operating Budget?

28
29 Councilmember Silverman,

30 No, the Capital Budget. The Capital Budget.

31
32 Councilmember Subin,

33 Well, on the network infrastructure reduces the budget request by \$1 million. Because,
34 it's a \$2 million project and they're asking for \$1 million now. On the site improvement's
35 to repair roads and sidewalks, I mean, it's hard, I think to determine that because that is
36 going to be a long-term continuing project. In fact there's a new road up at Germantown
37 that's in the CIP. So, the site improvements on the roads and sidewalks, especially
38 Takoma Park and Rockville, that's \$1 million that they won't need that they'll be doing
39 now. And the Committee can certainly say, you don't need that next year. But on the
40 network infrastructure that is \$1 million less than they would otherwise need.

41
42 Councilmember Silverman,

43 I guess I'm not trying to jump ahead to later on in the discussion but I was having a
44 challenge in reading through the packet that staff prepared based on what the
45 Committee had recommended as to whether there -- is the Committee, for the overall

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1 Capital Budget for the college was recommending any additional Capital Budget
2 spending for the college in FY '07. That's my narrow question. I know there may have
3 been things that the Committee moved up, you know from '11 to '09. Which is not what
4 is in play here. I'm just trying to understand whether the Committee moved up any
5 college projects that have fiscal impacts in FY '07. That's my question. Is Mr. Sherer
6 here? Oh, there you are, maybe Chuck has the answer.

7
8 Councilmember Subin,
9 I'm a little foggy this morning. I still don't completely understand the question.

10
11 Councilmember Silverman,
12 I will try to make this simple. We're being asked to spend \$2 million now. The question
13 I'm asking. That's \$2 million that will not be available in our spring budget discussions.
14 So my question is, in terms of what the Ed Committee has recommended for the college
15 of CIP, which we'll get to later on, are there any FY '07 fiscal impacts?

16
17 Chuck Sherer,
18 You mean for other projects?

19
20 Councilmember Silverman,
21 Yes, for anything having to do with Montgomery College.

22
23 Chuck Sherer,
24 I don't think so but I don't have my packet this afternoon with me. So I can't...

25
26 Councilmember Silverman,
27 So the County Executive fully funded in the Capital Budget the requests that the college
28 had for FY '07?

29
30 Councilmember Subin,
31 No, no, there were a number of projects that were deleted because they were not far
32 enough in planning and design. There were several projects that were not far enough in
33 design to warrant construction monies, there were no other projects that the Executive -
34 - the Executive did not flat out deny any requested projects for the college. There were
35 some that were delayed or deferred...

36
37 Chuck Sherer,
38 And he deferred 3 I.T. projects...

39
40 Councilmember Subin,
41 ...but that was for the '07 Operating Budget, not...

42
43 Chuck Sherer,
44 The Committee hasn't discussed those yet.

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1 Councilmember Silverman,
2 Okay, and did the Committee put any projects in that for a fiscal year -- FY '07
3 additions?

4
5 Councilmember Subin,
6 No. We did not move anything up. The only thing that was moved up on that was the
7 Germantown access road, but that was an '08...

8
9 Councilmember Silverman,
10 Okay.

11
12 Councilmember Subin,
13 ...project because the college was not yet ready -- staff's recommendation was to do
14 that in '07 for safety reasons, the Committee wanted to see that done, the college said
15 they were not prepared to do that because the design -- not only the design, but the
16 placement of the road had not yet been made. So, we left it with the college who
17 requested it in '08. But we didn't add any new projects and didn't add anything to '07
18 predicated on these approvals if that's your question.

19
20 Councilmember Silverman,
21 That's my question.

22
23 Councilmember Subin,
24 Then the answer is no.

25
26 Councilmember Silverman,
27 Okay, and we'll find out tomorrow what he did with the college's overall budget requests
28 for operating.

29
30 Councilmember Subin,
31 Correct. But there were, as Mr. Sherer said three projects which the Committee...

32
33 Chuck Sherer,
34 I.T. projects.

35
36 Councilmember Subin,
37 ...recommended be placed in the -- that we use as PAYGO and discussed as part of the
38 Operating Budget and I believe one of them was the infrastructure, network
39 infrastructure piece so that million dollars won't be discussed.

40
41 Councilmember Silverman,
42 What were the others?

43
44 Councilmember Subin,

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1 I can tell you in a second. The others were the Network Operating Center that was
2 related to that and the Tacoma Park Campus expansion.

3
4 Chuck Sherer,
5 That's not the I.T. one. There were three I.T. projects that were deferred, I can't
6 remember their names.

7
8 Councilmember Subin,
9 I'm sorry, the student learning support system, I misread this.

10
11 Chuck Sherer,
12 Those would be the three.

13
14 Councilmember Subin,
15 You're right, you're right.

16
17 Councilmember Silverman,
18 That's it?

19
20 Councilmember Subin,
21 It was the student -- those are the only three.

22
23 Councilmember Silverman,
24 And that's recommended to be paid for out of the Operating Budget?

25
26 Chuck Sherer,
27 To be considered and discussed with the Operating Budget.

28
29 Councilmember Subin,
30 Correct.

31
32 Chuck Sherer,
33 Because it's funded with current revenue.

34
35 Councilmember Silverman,
36 And those were in the CIP?

37
38 Chuck Sherer,
39 Yes sir. They always are, and we always do this.

40
41 Councilmember Silverman,
42 And were those funded by the Executive?

43
44 Chuck Sherer,
45 No, he recommended deferring to the Operating Budget.

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Councilmember Silverman,
He did.

Chuck Sherer,
Yes sir.

Councilmember Subin,
Right, so we won't know about that until tomorrow.

Councilmember Silverman,
What's the total of those projects, total dollars?

Councilmember Subin,
Student Learning Center is \$1.6 million. There will be \$1 million left from the Network Infrastructure Support System, and the six-year cost for the Operating Center is \$15 million.

Councilmember Silverman,
I'm sorry, is what?

Councilmember Subin,
\$15 million, the six-year cost is \$15 million .

Councilmember Silverman,
Oh, six-year cost. Okay, thank you.

Council President Leventhal,
Okay, Mr. Subin please continue with the MCPS request.

Councilmember Subin,
Thank you, Mr. President. The MCPS request was for a total of \$14,170,000. The Committee is recommending \$9.7 million. \$8 million for the Integrated Financial Information System, which should have been done about 12 years ago. \$1.2 million for Capital Asset Data System, and \$534,880 for vehicles associated with maintenance. The School System is asking for an additional \$3,480,000 to buy the remainder of the vehicles, not to be funded with the \$535,000. \$471,000 for Automated Floor Cleaning Equipment, and \$1,049,000 for painting. There are also funds that are not going to be requested that were on the original list. The painting is only a partial, and there is \$640,000 that the system is dropping as a request and Stormwater Facilities Maintenance of \$1.8 million. There was discussion about tin Committee about the Integrated Financial Information System. Mr. Knapp, had felt that those monies could be spread over 2 years, instead of just using '06 money There is an indication apparently in the RFP that the School System's put out, that it would be done in two phases. The School System was pretty adamant in Committee on this issue that, in fact, all of the

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1 money needed to be obligated now. So the Committee went "Oh, well, that's your
2 choice and your priority, we're recommending \$9.7 million and if you want to split it out
3 differently, that's okay." But, they didn't want to do that. That is not to say that they
4 couldn't stand to do the painting and the stormwater management now, but in fact it's
5 kind of late in the year to start planning out whatever painting might be necessary. But
6 that was the main discussion that we had. But, again, whether it's in one phase or two
7 phases, the Committee was fairly adamant that the Financial Information Systems take
8 priority. But again, as Mr. Knapp had strongly indicated and had asked for the
9 information and told the School System "You're better off doing it in two phases," they
10 said "No, we'll do it in one." So, that is why the Committee recommendation is the way it
11 is.

12
13 Council President Leventhal,
14 Thank you, Mr. Chairman. Ms. Floreen.

15
16 Councilmember Floreen,
17 Thank you. I had a question about what the Committee recommendation compared to
18 what the County Executive was assuming was going to be funded in this effort. The
19 Committee's recommended 9.7 and I thought I heard 11 on the County Executive side.
20 Can someone tell us what the difference is?

21
22 Keith Levchenko,
23 The County Executive recommended \$11.75 million in '06 for CIP related infrastructure
24 projects. It's not designated which projects, but just a sum of money in FY '06 in current
25 revenue. That was included in the -- in this overall package that had come from the
26 Executive and it was the same dollars that had been discussed by the Council as part of
27 the 23.5...23.8.

28
29 Councilmember Subin,
30 Well, well...

31
32 Councilmember Floreen,
33 Excuse me, so that was a whole category of separate expenditures?

34
35 Keith Levchenko,
36 Right it was not requested by the School System but it was something that was part of
37 the Executive's recommendation on January 15th or January 12th in his original CIP.
38 So, because it was the same current revenue dollars that the Council was looking at
39 allocating, we included it as part of this package for review. The Committee felt that
40 because we were so close to the upcoming fiscal year and because the School System
41 said it would be merely accelerating projects FY '07 anyway, the Committee had
42 suggested just reviewing that as part of the '07 to '12 CIP.

43
44 Councilmember Subin,

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1 There was a fiscal impact issue. We actually met twice on this, and the Committee was
2 prepared to recommend the \$11.7 million that the Executive had originally, Mr. Knapp
3 asked his two phase or one phase question and the School System said they would
4 have to come back. By the time we came back, the Council aggregate request from the
5 Committees had exceeded the amount that the Council had allocated so, guess what,
6 the School System lost. That's how we got from the 11.7 to the 9.7. It was an over, the
7 aggregate of the Committees had exceeded that in the numbers that Mr. Farber and Mr.
8 Sherer gave back to us, and so we whittled the requests down to the Council's request.
9 Now the Council does have in our report the additional \$2 million that the Council -- if it's
10 the Council's desire to restore it. We can tell you to the penny right now. But that's, up to
11 the Council.

12
13 Councilmember Floreen,
14 Martha, how, what is your view of this?

15
16 Martha Lamborn,
17 I believe that the -- I believe I understood from the School System that the requests that
18 they made starting Line 61 and down were not requests that were in their CIP, nor were
19 they requests that were in their Operating Budget. Therefore what you have here is the -
20 - Line 59 is a recommendation from the Executive to fund things that the School System
21 has already requested in their CIP. And if you do that, then their CIP is fully funded. If
22 you don't do that, it's not.

23
24 Councilmember Floreen,
25 That was Line 59?

26
27 Martha Lamborn,
28 Correct. Lines 60 to 67 are not included in any School System budget request, as I
29 understand it. Therefore, they're -- it would be on top of full funding of either Operating
30 or CIP.

31
32 Councilmember Floreen,
33 Well, where does this leave us with respect to the School System's Capital Budget in
34 terms of what the County Executive has announced? If he has proposed yesterday a
35 plan that fully funded the Capital Program based on what the School System had asked
36 for, if we -- he had assumed \$11.7 of the Line 59 basically to be used for advanced
37 funding this year, of '07 request.

38
39 Martha Lamborn,
40 Correct, and the things that it would need to be used for which Mr. Duncan did not
41 specify do not include the other things because they had not been in any School
42 System request.

43
44 Councilmember Floreen,

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1 Okay, so I asked the Committee, is your view that the Financial Information System and
2 the -- well the three items basically: Line 61, the vehicles; the Capital Asset Data
3 System on Line 62; and the financial -- \$8 million financial system, Line 66, are of
4 greater priority to the Committee than the Line 59 initiatives, or was it something...

5
6 Councilmember Subin,

7 Well, first of all its timing issue, second of all, on the Integrated Financial Information
8 System, that is a Committee priority and it has been since 12 years ago. Since the
9 Corporate Partnership for Managerial Excellence first recommended that. Second of all,
10 the Council has been pretty much demanding that -- and that be done consistent with
11 the County's system. So that the two are compatible, which they are not now. So that,
12 that is and has been, the Committee and the Council's priority. We met several times on
13 this issue last spring. And, so that -- and on the Capital Asset Data System, which is
14 related, I mean the \$535,000 for the vehicles is something, that frankly, just came up.
15 The PLAR HVAC replacement and roof replacement issues are issues that are ongoing,
16 and they are going to be there whether there is extra money for them now or not. And
17 that's part of the whole issue that we have been talking about in the MFP initiative on
18 deferred maintenance. Which, everywhere, across the board, is everybody's lowest
19 priority. The restroom renovation, we had a long discussion on that in Committee. And
20 the system was saying there would be a level of effort for that for the next 4 years, for
21 areas where the schools needed those to be fixed and where modernizations were not
22 planned for. It was the Committee's sense that that too would be a ongoing effort. So we
23 added that level of effort for years 5 and 6. So, even if the 11.7 or 9.7 were to revert to
24 everything in Line 59 those items probably would not as part of recommendations from
25 the Committee, be reduced in '07, because we're looking at levels of spending for the
26 next 6 years that are insufficient to meet the needs of the system. And I would say that
27 it's probably for County Government and the college and Park and Planning and
28 everybody else. Those all involve deferred maintenance.

29
30 Councilmember Floreen,

31 Did the Committee outline a dollar amount then presumably it has with respect to
32 deferred maintenance in the School Systems for the '07 and '12 CIP?

33
34 Councilmember Subin,

35 There are recommendations for HVAC, and for PLAR, and for roof replacement. Yes,
36 there is a number for the restroom renovation. I'm frankly, not sure where we are in the
37 water and indoor air quality, although that's been in there for a while.

38
39 Keith Levchenko,

40 The Board of Education proposal that came over for the CIP included substantial
41 increases in the HVAC, PLAR, and roof replacement projects. This is talking about the
42 Board proposal not the Executive recommendation yet. The other projects also had
43 either similar or maybe slightly increased dollars in '07 and, as Mr. Subin mentioned,
44 they all are assumed to go on at least for the next several years, if not all six years. The
45 issue though was that to balance the CIP, the Executive assumed that some of those

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1 proposed costs would be funded out of FY '06. Not new expenditures, but existing
2 proposed costs. And if, for instance, the county were to approve 23.8 but not include the
3 11.7, then, as we go into the CIP season we will have that \$11 million difference with
4 the Executive to deal with as part of the '07 through '12 CIP.

5
6 Councilmember Floreen,
7 So, that becomes a built in question, in addition to, the issue of the GCI. So now we're
8 up to 20 -- we're up to our totals.

9
10 Keith Levchenko,
11 And one option you could do if you don't fully allocate the 23.8, it would sit and be
12 available for '07 certainly. So that depends on what you do in total today.

13
14 Councilmember Floreen,
15 That's what today is all about. That's why I asked my question at the beginning, to
16 understand what the issues were on the table. So if we -- if we do not include this
17 \$11,700,000 for school infrastructure, it has been basically subtracted from the '07
18 budget.

19
20 Multiple Speakers,
21 In the Executive's recommendation.

22
23 Councilmember Floreen,
24 And it would have to be found.

25
26 Keith Levchenko,
27 We would ultimately have to balance the CIP across the 6 years for spending
28 affordability, and the Executive chose to do it partially by accelerating some of the
29 expenditures into '06.

30
31 Councilmember Floreen,
32 And did it you say, just for clarification, that who the Committee recommended was not
33 in the School System's request? Is that right?

34
35 Joan Planell,
36 On the operating side -- well, we haven't seen the operating from the Executive at the
37 moment. But I know -- well, for the \$8 million -- I mean we don't know what the
38 Executive has done on the \$8 million for the Financial Information Systems, but he
39 hasn't recommended it as of today.

40
41 Councilmember Floreen,
42 It was requested by the School System?

43
44 Joan Planell,
45 Yes it was. And the Executive asked to...

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1
2 Council President Leventhal,
3 In which year, in which year did the School System request the \$8 million?

4
5 Joan Planell,
6 For FY '06.

7
8 Councilmember Praisner,
9 They didn't request it for '07, that's...

10
11 Council President Leventhal,
12 They sent over a supplemental request?

13
14 Joan Planell,
15 Yes, they did.

16
17 Councilmember Floreen,
18 For this purpose?

19
20 Joan Planell,
21 For this purpose.

22
23 Councilmember Floreen,
24 But not in their basic operating proposals.

25
26 Joan Planell,
27 Correct.

28
29 Councilmember Floreen,
30 Okay, so this was just in order to take advantage of this pot of money that we decided to
31 set aside for these kinds of issues. No, this is exactly what we asked.

32
33 Councilmember Subin,
34 No, that's not a fair question. They understood the rules of the game. And they knew
35 what was on the table and that this could come out of '07. They understood exactly what
36 the Executive said. The Executive was very unambiguous. "I'm recommending that we
37 use '06 monies to take off the pressure from the '07 budget" and the School System
38 understood that, and we're the ones that have been pushing this information system.
39 Why they haven't been is, frankly, beyond me.

40
41 Councilmember Floreen,
42 That was my question. That was the Committee recommendation, but it wasn't the -- it
43 hadn't been in the base School System.

44
45 Councilmember Subin,

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1 It was not in their base budget. It came over, as Mr. Levchenko said, when the Council
2 said use this for facilities -- use this extra money for facilities and I.T. the School System
3 said here's how we would use that money. It is not programmatic. It's all facilities and
4 I.T. related with the understanding that it will be spent now and might not be spent in '07
5 if that money is not there. But, I will tell you that \$8 million chunk, the others you could
6 put aside and say that somehow it will be subsumed in all the other ongoing processes.
7 The \$8 million will not be, and it will have to be spent much sooner rather than any later.

8
9 Councilmember Floreen,
10 Okay, thank you. With that -- those answers I would like to make a motion, Mr.
11 President.

12
13 Council President Leventhal,
14 Go ahead.

15
16 Councilmember Floreen,
17 I'd like to substitute the County Executive's -- the proposal that we put in, \$11.75 million
18 for school infrastructure as a substitute for the Committee recommendation.

19
20 Council President Leventhal,
21 So the motion...

22
23 Councilmember Floreen,
24 It would be to add Line 59.

25
26 Council President Leventhal,
27 The Committee's recommendation was for how much Mr. Farber? The Committee's
28 recommendation was for 9.7.

29
30 Councilmember Floreen,
31 Correct.

32
33 Council President Leventhal,
34 So you're proposing we spend \$2 million more, Ms. Floreen?

35
36 Steve Farber,
37 Yes.

38
39 Council President Leventhal,
40 Is there second? Hearing no second, the motion fails for lack of a second. Okay, Mr.
41 Knapp.

42
43 Councilmember Knapp,
44 Thank you, Mr. President, I appreciate it, and I appreciate the questions that people are
45 asking. I just wanted to clarify a couple of points because getting a little frustrated up

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1 here. The notion is that -- I guess when we had our spending and affordability
2 discussion the premise was to set aside a pot of money that we could use to fund
3 projects that are important, but don't typically compete particularly well. And that was
4 the charge we kind of gave to the departments and agencies to come back with those
5 projects because, while we have \$8 million that are important for either the school's
6 financial system or County Government's financial system, if you put that up against
7 building a new gym, probably in an Operating budget we're all going to end up raise you
8 are our hands to fund a new gym. Because that looks good and is something everybody
9 wants. Doesn't mean the financial system isn't important but it's not going to compete
10 well. I think we're kind of mixing apples and oranges when we keep asking questions
11 about taking money to fund the next budget because we consciously made a decision to
12 set this \$22.8 million aside to fund these other projects out of that budget. So I just
13 wanted to clarify that point because I think if you're listening in, there would be, some
14 confusion on the part of what we're actually trying to do. And so I just want to clarify that
15 point. Then, the other point I just wanted to clarify briefly is the notion that, we might
16 have a hole if what you're looking at in our CIP budget is in the context of what the
17 County Executive has proposed, but the reality is we do that budget. I appreciate the
18 recommendation the County Executive has made and we have to take that into account,
19 but our baseline for our CIP analysis is what we approved the last time plus any
20 amendments that have been brought forward over the last two years. And then we add
21 on top of that given what our spending affordability guidelines are. And so, we may or
22 may not have a hole. We don't know because we haven't actually acted on the CIP
23 budget, and we've just begun that process through many of the Committees, and so I
24 think it's important for us to keep that context in perspective too. That we're really just
25 beginning this process and we set the baseline, and so to say we have a hole or don't
26 have a hole, again it's kind of an apples and oranges comparison. So I just think we just
27 need to kind of keep those points in mind as we proceed through this discussion, but I
28 just wanted to make sure that people understood why the \$23.8 million came out from
29 where it did. And I appreciate the MFP Committee and Ms. Praisner's leadership in
30 getting us to that. Because I think many of the issues, many of the items that have been
31 identified, that we're talking about are the types of things that are important projects but
32 are just never going to compete particularly well. And so I think this is a great
33 opportunity given the task force that she headed last year to get some of these things
34 on the table for real discussion. So I thank you for that.

35
36 Council President Leventhal,
37 Ms. Praisner.

38
39 Councilmember Praisner,
40 I think this has been a very useful conversation. I also appreciate the awkwardness of
41 the timing after the Executive has made his recommendations a day before we're going
42 to see the Operating Budget, but this has been a unique Operating Budget in that we've
43 had most of it exposed already by press conference from a standpoint of the key
44 elements on major categories. There are a couple of things we don't know about like
45 overall County Government, Park and Planning and the environment, and Health and

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1 Human Services and especially given community needs, that is certainly a challenging
2 area. But we certainly heard about what education is going to include and what other
3 elements like public safety are going to be. The whole intent of this was to take a one-
4 time only revenue that was above what we closed the books the previous year and use
5 them in a one-time basis for things like technology issues and infrastructure above and
6 beyond what we might normally do. I would expect if we continue to look at this from
7 this concept that we would do so earlier in the year, so that it can have an impact in the
8 fiscal year in which we're working. I would also suspect that as we act today, we're not
9 going to get to a \$23 million amount. Especially given additional information. The
10 frustrating part is that the County Executive has chosen in developing his budget to
11 slide things that would have been in '07 into '06 and to slide ongoing things, not one-
12 time kinds of initiatives, especially as it relate to the School System's PLAR. So, while I
13 did not support Ms. Floreen's motion to fund that at this point, I do think we've got to get
14 this back on track in the FY '07 budget. Not as a one-time infusion, because the PLAR
15 projects, unless you're talking about additional money for that can be targeted towards
16 something specific, are an ongoing issue. We're going to be getting the next element of
17 the Task Force on Infrastructure report, Mr. Orlin's working on that, and it should be out
18 within the week. The one thing that I'm interested in, and supportive of that I would like
19 to see us look at, and unfortunately we passed by it for Park and Planning, is these data
20 systems which folks need in order to know the extent of the assets that they have and in
21 order to manage those. Those are really one-time systems where we can jumpstart the
22 County Government's information and the School System and Park and Planning, and I
23 think it's unfortunate that we're not going to fund the Park and Planning one. I hope we
24 will fund some financial support for County Government. And here we have the School
25 System's Data Asset Management System. I think those are the kinds of we should be
26 funding. I have concerns though about the School System coming in with major
27 proposals that are not incorporated within their ongoing budget as a substantive issue.
28 So, my intent today is to try to make some contribution in these areas across each of
29 the agencies. I don't intend to support a \$23.8 million appropriation across the board at
30 this point. But I do support us making some progress on these issues, and I agree with
31 Mr. Knapp that while we have information and we may have a gap that is generated in
32 the Executive's budget, the budgets as of tomorrow will be over here, and they are ours
33 to work through, and ours to set priorities for.

34
35 Council President Leventhal,
36 Mr. Silverman.

37
38 Councilmember Silverman,
39 Thank you. Mr. Spatz, are you the highest ranking School System employee in the
40 room?

41
42 Marshall Spatz,
43 Everyone else is at the School Board meeting.

44
45 Councilmember Praisner,

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1 That's right, it's an all day School Board meeting.

2
3 Council President Leventhal,
4 We're glad to have you here, Mr. Spatz.

5
6 Councilmember Silverman,
7 Yes, that's right. Yes, that's right. Just want to know who is the highest ranking person
8 in the room. Here's what we do know, I want to refer...

9
10 Councilmember Subin,
11 [Boz] and [Collett] are sneaking out the door.

12
13 Councilmember Silverman,
14 Yeah right, they're heading out the back. Marshall, I'm going to ask you an unfair
15 question. So that's why, take it in the spirit in which it's intended. [LAUGHTER] And I'm
16 so sorry that certain members of the School Board aren't here to ask. [LAUGHTER]

17
18 Councilmember Subin,
19 There's been enough blood letting the last two weeks, let it go.

20
21 Councilmember Silverman,
22 We do have a known, as of today, we do know two things. We know that the monies
23 that we have anticipated from the state for the Capital Budget is not 100% of what we
24 are -- of what we have put in our expectations. We know there is a \$9 million hole today.
25 We also know, based on what the County Executive has just announced, that he is
26 leaving us with a \$17 million plus hole. Maybe that will change in some other fashion.

27
28 Councilmember Praisner,
29 The state's leaving us.

30
31 Councilmember Silverman,
32 Pardon?

33
34 Councilmember Praisner,
35 The state's leaving us.

36
37 Councilmember Silverman,
38 Yes, right, right, but for the fourth year in a row we will end up having to deal with -- we,
39 the Council, will end up having to deal with the School System budget, recognizing that
40 there is a \$17 million challenge here, which I will reiterate, is the coincidental cost of
41 every single new initiative that the School System has requested.

42
43 Councilmember Subin,
44 It's not -- if I could just add to that, Mr. Silverman. It is not coincidental, it is -- the two
45 match for a reason.

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1
2 Councilmember Silverman,
3 Mysterious reasons. So here's my unfair question, Marshall.

4
5 Councilmember Subin,
6 It's not mysterious, the School System predicated its entire set of new initiatives on the
7 GCEI that it expected. So, you're right. The two match, but it's not coincidental and not
8 mysterious.

9
10 Councilmember Silverman,
11 Well, here's the unfair question, Marshall. The School System is asking us today to vote
12 for \$8 million. That is \$8 million for this system that will be ahead of the Capital Budget,
13 it will be ahead of any shortfalls in the Operating Budget arising against GCEI. So I want
14 to understand -- so when in the spring we're wrestling with closing the Capital Budget
15 for schools and closing the gap on the Operating Budget, unless miraculously we get it -
16 - are you saying I should go tell the PTAs that the School System's top priority ahead of
17 school construction and it's new initiatives, is the Integrated Financial Information
18 System.

19
20 Marshall Spatz,
21 Well, it's somewhat of a unfair question but...

22
23 Councilmember Silverman,
24 Yes it is, that's why I asked it.

25
26 Marshall Spatz,
27 ..but this is the Board's top priority, and the Board had already requested a
28 supplemental appropriation for the current year before Mr. Leventhal's letter, and this
29 remains, what's top priority. We're ready to move forward on the financial system. We
30 need to do that; as Mr. Subin said, it's long over due. There is a very tight scheduling
31 window because, in order to do this most economically you need to cut over at the
32 beginning of a new fiscal year, and our aim now is to cut over on July 1, 2007. In order
33 to do that we need that \$8 million to be able to move forward and sign a contract. The
34 work will begin this fiscal year, so that's an urgent priority. The Board has voted that in a
35 resolution two years ago, that they said this is our top priority. So, that remains the top
36 priority.

37
38 Councilmember Silverman,
39 I'll take that as a yes.

40
41 Councilmember Subin,
42 What I would do, Mr. Silverman, though if you have to go to the PTA's and explain that, I
43 would turn around and go to SEIU and the teacher's union and the administrators, and
44 those who may not be included, and tell them you just made sure that they could get
45 paid.

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1
2 Councilmember Silverman,
3 [LAUGHTER] Okay, I'll do that. The trouble that I'm having here -- and I intend to make
4 a motion. The trouble that I'm having here is I'm not opposed to supporting this system,
5 and you know, fine it's finally here after 12 years or however long it's been. The
6 question is, do we want to raise our hand today to vote for this and say this is the top
7 priority. I think Mr. Knapp is correct. Is it going to stack up well against a elementary
8 school gym? Probably not, but we have made decisions in the past, and I don't cede to
9 as saving ourselves from ourselves which will be the decision we'll have to make in the
10 spring. And I may be prepared to vote for some of or all of this \$8 million in the spring,
11 when I have a better sense about what is in the County Executive's budget and, more
12 importantly, what we get for school construction monies from the state. So, I would
13 prefer not to spend the \$8 million now. And what I'm going to do is, I'm going to move
14 that we take the \$8 million out at this point and consider it with the FY '07 budget.

15
16 Councilmember Praisner,
17 Second.

18
19 Council President Leventhal,
20 Okay, the motion is made and seconded to delete the Education Committee's
21 recommendation of \$8 million for the Integrated Financial Information System. Is there
22 discussion on the motion? Chairman Subin.?

23
24 Councilmember Subin,
25 Well, this comes under the umbrella of be careful when you wish upon a star, you may
26 get what you ask for. These initiatives did not start with the departments. They did not
27 start with the outside agencies. I'm not just speaking to this item. I'm speaking overall. It
28 was the Council who said, let us take the surplus, and go out and ask folks how they
29 would if they could, use that money. It was a floor amendment, I will remind certain
30 Councilmembers, that said wait a minute, this is a great way to reduce SAG for bonds,
31 or to use current revenues to create some more capacity and to do more in the '07 to
32 '012 budget. It came from here. It didn't come from there, it didn't come from there. It
33 didn't come from some mythical creature hiding behind a tree. It came from here, and
34 now we're saying, "Well, phooey on you guys. You didn't ask for what we wanted, you
35 have different priorities than we may have had. Your independent boards had different
36 priorities than we may have had. So, we're going to slap you on the hand and send you
37 back. Specifically, on this item, it was the Council who last year was extraordinarily
38 adamant about telling [INAUDIBLE] and the School System, "You guys get out of here
39 and ya'll figure this out." We slapped them on the hand, tossed them out the door, and
40 told both of them to come back. So what do they do, they come back and they say,
41 "Here it is, we've got it, this is what we want to do." So we say, nope. Let's get out of
42 here. Folks, be careful what you ask for, you may get what you wanted, and this is it.
43 This is just another issue of this body of nine is omnipotent and has every little bit of
44 knowledge that there is to have. That the experts in the fields that are out there don't
45 know better than we do. That other independently elected boards don't have the same

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1 level of knowledge that we do. They don't know what they want, and they don't know
2 what their priorities are, because this is the County Council, and God save the world
3 from everybody else.

4
5 Council President Leventhal,
6 Ms. Praisner.

7
8 Councilmember Praisner,
9 Well, I think part of what Mr. Subin said, I agree with. That we asked them, the two
10 agencies of government, who actually came to us first with a joined program, and said
11 that they were going to work together and develop a system that would allow the
12 sharing of information and the sharing of -- and the development jointly of the system.
13 And the Council Committees, the MFP and the Education Committee, had a series of
14 questions about it, but there was ongoing work that still needed to be done and they
15 were in the planning process. The second time we asked for information they had
16 parted ways, and they were no longer joined at the hip and talking about moving
17 forward together with the program and the systems. And quite honestly there has not
18 been, as I can recall, another joint meeting to have a conversation about the integration
19 of the two systems and the sharing of information. I did not read Mr. Silverman's motion,
20 which I seconded as saying this project was not important, nor that this project in all
21 likelihood would go forward, but the question is the timing of the project. And while I
22 respect the fact that things are best turned over or switches flipped, at a certain point in
23 the calendar, there is no reason why this Council cannot consider and discuss this
24 project within the context of the '07 budget, which is when we will have information
25 about the status of both systems and the capacity to integrate and share the kind of
26 information that we need. I seconded Mr. Silverman's motion with that context in mind.

27
28 Council President Leventhal,
29 Mr. Knapp.

30
31 Councilmember Knapp,
32 Thank you, Mr. President. The issue I think we're trying to wrestle with -- and I agree
33 with some of the concerns that have been raised because I had similar concerns when
34 the Education Committee took this up -- which is if you knew this was going to be a big
35 expenditure and we put \$200,000 dollars in last year's budget to allow for the
36 requirements development it would have seemed pretty obvious that it would be
37 captured in whatever the operating request was going to be. And it wasn't and I found
38 that to be a little frustrating. That notwithstanding, it still as we have had a number of
39 conversations it's critically important for both the School System and the County to
40 move forward. As I understand, while not a lot of conversations have occurred since the
41 MFP and Education Committee meetings took place, trying to encourage both entities to
42 kind of work and develop similar sets of requirements, the ability for the systems to
43 probably talk at the highest level that they need to talk to will probably be able to be
44 contained. And one of the questions I've asked and tried to follow-up on is do we create
45 -- but for having things work together within six months of each other, we could have

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1 had systems that are working in sync, do we run into that risk? And apparently we don't
2 necessarily run into that risk. One of the things I tried to do yesterday was to try and get
3 a sense of how could we put this system -- put this project on track, and get it funded
4 because of the RFP process, and I went through the RFP over the weekend and looked
5 at what they're proposing to do, and they're on a schedule that says come, I guess,
6 maybe they'll be ready to have a negotiated contract. And that they need that in order to
7 be able to have this funded -- for the start for the next fiscal year which actually seems
8 to make sense, is there a way to split those dollars up? So we could have put 3 or \$4
9 million into this process and then had the fuller discussion and the rest of it put the
10 Operating Budget when we get back to that. I still think that's a potential option. But that
11 didn't seem to be the way the School System wanted to go. So basically we had capped
12 the number that we gave the school system, and said you guys figure out the where you
13 want to spend it, if that's your priority, fine, but you'll probably end up getting less of
14 the projects funded that you wanted. And so I think it's important for us to go ahead with
15 this because of all of the conversations we've had. I don't necessarily like the process
16 by which it was brought to us. I think it should be put into the Operating Budget, it
17 should have been -- come up with a way, because basically, as I hear it, it was coming
18 over as a supplemental one way or the other. So we're going to have to try and find
19 extra money to fund this project, and I don't think that's the way we want to keep funding
20 the school budget. And so I think that it's important to do, I wasn't thrilled with the
21 process, but I would be opposed to the amendment that has been proposed.

22
23 Council President Leventhal,
24 Marshall, can the School System spend \$8 million by the end of this fiscal year?

25
26 Marshall Spatz,
27 We'll have obligated, we'll have spent a big bulk of it, because you have to spend a lot
28 of this money right at the beginning of the project to get it going, but we'll have obligated
29 that \$8 million, depending on how the contract negotiations go. Because, remember we
30 still haven't gotten a final figure. We feel that it's going to work within that \$8 million,
31 which is why the Board proposed that. So, we'll have obligated most of that money.

32
33 Council President Leventhal,
34 Martha Lamborn, could you join us? If you're not the right one to answer the question
35 maybe Joe Beach can answer. Does the County Executive support this \$8 million
36 spending item?

37
38 Martha Lamborn,
39 I don't know.

40
41 Council President Leventhal,
42 Does Joe Beach know?

43
44 Joe Beach,
45 I'm afraid I'm not sure either.

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1
2 Council President Leventhal,
3 Will we see this item in the '07 budget from the County Executive?
4

5 Martha Lamborn,
6 I don't know the answer to that either, but I would be surprised if it was not requested. I
7 mean, if you don't request something, how can it be supported?
8

9 Council President Leventhal,
10 It was requested as a supplemental from the Board but not in the '07. When we asked
11 for it the Board said we need this. Can I ask a question of Alisoun Moore? Press your
12 button, please. If we appropriate this money now and the Board obligates the money
13 now is there anything that would hinder County Government from developing a system
14 when we get our own system up and running in County Government that is in sync and
15 is able to share information and is compatible with the new system the School Board is
16 going to bring online?
17

18 Alisoun Moore,
19 The plans, I think, that we had concluded, I think last year were to continue in separate
20 directions with the two systems. So, therefore, the development of the school system
21 would not impinge upon the development of the County's system.
22

23 Council President Leventhal,
24 Are the systems compatible to the extent that information sharing is helpful? Are they
25 able to share?
26

27 Alisoun Moore,
28 I can't answer that question at this time. I don't understand or have any information
29 regarding the school system's proposal on what they intend to build, and we, of course,
30 have not yet started our own project.
31

32 Council President Leventhal,
33 So the timing of the appropriation doesn't really affect whether the County Government
34 system is compatible with the School Board, that's a separate issue from when we
35 actually appropriate...
36

37 Alisoun Moore,
38 It assumes that -- if there's no need to be compatible other than exchange of information
39 for the budgeting documents that have to be prepared each year, and you're making an
40 assumption that you don't need to be compatible, then the answer is no, they don't
41 really reflect -- they are not dependent on each other in terms of timing and sequencing.
42

43 Council President Leventhal,
44 Mr. Silverman.
45

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1 Councilmember Silverman,
2 Thank you, Mr. Leventhal. Just a follow-up comment. I -- as Ms. Praisner said and as I
3 intended with my motion, I was not suggesting this shouldn't be something we end up
4 supporting. The question is do we have a context in which to support it. The concern
5 that I have is and we might as well call it as it is. I appreciate the fact that Mr. Spatz is
6 here saying this is a number one priority, we all know exactly what is going to happen if
7 we vote for this. We will vote for this, and then if we don't get money from the state for
8 school construction, then we will have the School Board saying you have to fully fund
9 the School System's construction budget. Maybe, our good friend Dick Hawes will do a
10 little of this and a little of that, and magically \$9 million in FY '07 will vanish and be
11 unnecessary, but that's a stretch even for Mr. Hawes. But we do have, and we will have
12 the School System coming in and saying, "If you want all of these new initiatives to the
13 tune of \$17 million or you want any of them, you're going to have to plug a hole." And
14 I'm just respectfully saying we that ought to have that discussion all at the same time.
15 Because despite what Mr. Spatz is saying, I don't believe for a second that if we had a
16 School Board member here that they would say, "Yes, go tell the PTAs that this is the
17 top priority ahead of every new initiative and ahead of school construction." They will
18 say they want it all. And then somebody who has an absolutely impeccable record of
19 supporting the School System for every day I have been here on this Council, I do not
20 need to have the School System suggesting that this is a priority unless they're also
21 going to say, "Fine, we'll let you take into consideration that you just put \$8 million in in
22 March," you know, "the day before the County Executive's proposal is out." So, I don't
23 think this is an issue of us being omnipotent. I think this is an issue of let's have the
24 discussion like we recommended in the PHED Committee, we have a discussion about
25 all these other items when we actually see what the County Executive has done with
26 Park and Planning. That's all.

27
28 Council President Leventhal,
29 I'm going to request that the Clerk include in full in the minutes the exchange of a few
30 moments ago between Councilmember Silverman and Mr. Spatz, in which Mr.
31 Silverman asked Mr. Spatz was this the Board's top priority and Mr. Spatz responded,
32 "This is the Board's top priority." So that should the question arise in the future in the
33 minutes of March 14, 2006 it will be clear that the School System stated that this item,
34 this \$8 million item is the Board's top priority. Mr. Andrews.

35
36 Councilmember Andrews,
37 Thank you, Mr. President. I'm going to oppose the motion, as well. And I bet that no
38 member of the public likely testified before the School Board during their budget on a
39 technology issue, although I could be wrong, and I doubt and I don't remember any
40 member of the public testifying before us on the Capital Budget on the technology issue,
41 and I bet there won't be any member of the public testifying before us on the Operating
42 Budget on a technology issue, but that doesn't mean that these systems aren't critical
43 and crucial, and this is an ideal use of this one-time money. Technology projects are an
44 ideal use, in general, because technology projects, until they break -- technology
45 systems, until they break down don't get the attention that they usually need. And so it

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1 really is our responsibility to make sure they don't get to that point, that they don't
2 breakdown, and that we don't have bills that go unpaid, and we don't have systems that
3 blink red until they crash. And so I do think that this is a good use of one-time money,
4 that is looked at apart from the rest of the budget. Because, we know the experience of
5 many computer projects, technology projects, and how they do in the overall budget.
6 They don't tend to do as well as other projects because people tend not to pay attention
7 to them until they breakdown. But we need to pay attention before that, and so I do think
8 that this is a appropriate use of one-time funds, the school system clearly thinks this is
9 necessary at this time, and I have no reason to think otherwise, and so I will oppose the
10 motion.

11
12 Council President Leventhal,
13 Ms. Floreen.

14
15 Councilmember Floreen,

16 Thank you, Mr. President. I just wanted to comment on this exercise which I think has
17 been a really helpful one and important one. When we started on this, I guess it was in
18 December, November, we understood that we had some totally, well, predicted --
19 predictable but not planned surplus, and we had funded, been unable to have some of
20 that resource available to fund the budget we approved last year. So we said, and
21 basically the number got raised in conversation, largely to Mr. Subin's suggestion, to put
22 a lock on this money, so we could look at it and use it for special projects just of those
23 sorts we have been talking about today. But we did say that before we had the budgets
24 proposed, and we did say that before we heard the concern from the school community
25 about the scheduling of Capital Budgets, and now we're taking it up the day before we
26 receive the Operating Budget that contains Lord knows how many promises to different
27 communities and serves a long list of needs within the county. So I have to say I am
28 concerned about where we will go with all of this. I can feel where folks are at this point,
29 but I think that the real issue is what kind of hole we dig ourselves into at this point. Are
30 we going to be looking at a \$30 million that we're going to need to find in the budget? I
31 don't know. What we know so far, is that we're going to be looking at at least 11.7 that's
32 not in the budget because it's assumed here for other kinds of school projects. I don't
33 know the implications for other agency issues but, as a number of us have suggested,
34 we need to look at it in the context of the '07 budget because we just didn't know what
35 the implications were. It was premature. I don't think that this exercise has any simple
36 answers to it. I absolutely agree that the initiatives that we're looking at are designed to
37 address needs, and genuine ones, and in some cases, needs more critical than others,
38 perhaps. But the fact of the matter remains that we may be, when we just don't know if
39 we're digging our hole deeper. Are we going to have to look at more revenue sources
40 even though it's a great year? I don't know. We're not going to have a clue until we look
41 at the whole budget starting tomorrow and ending at the end of May. Maybe we will find
42 the money for these additional initiatives one place or the other we have come to find
43 that usually we can. But I think we all need to be concerned that we, as we make certain
44 choices here, we may have a limited -- made it much harder for us in the month of May
45 to wrap up the budget without looking at additional revenue increases, and I know Ms.

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1 Praisner has one initiative out there already which may be looking at a revenue
2 decrease. So we'll see how it all ends up, but I think it's important for everyone to
3 appreciate this is a contextual effort, and it always needs to be that when we're looking
4 at a large range of significant needs, and a lot of unanswered questions about how
5 everyone's going to pay for it.

6
7 Council President Leventhal,

8 Okay, there are no more lights. I'm going to oppose the motion. I appreciate that
9 everyone is taking this matter very seriously, and I appreciate that although Ms.
10 Praisner was the original sponsor of this \$23.8 million package, she has concerns that
11 the School System may get ahead of County Government in terms of needed
12 modernization but we, as I said earlier when this first came up, we need to look at
13 technology across the board. My own sense is that this specific \$8 million proposal does
14 meet the original suggestion that we should make one-time investments that don't have
15 ongoing costs such as personnel, and my own hope is that we'll be able to afford this.
16 Now if we're not able to afford it we can all refer back to the minutes of March 14, 2006,
17 at which it was made crystal clear to us that this is MCPS' top priority, and that if there
18 are other things that it turns out are going to have to be squeezed we have been clear
19 with MCPS, and MCPS has been clear with us. I also want to say, and you won't hear
20 me say that very often, I think the Education Committee has actually been pretty
21 restrained in its work here. They had a number of items that they could have
22 recommended for funding, and they said, "No, actually we're going to prioritize and
23 we're going to put this \$8 million at the top of our list," and I'm told that there was some
24 consternation in the Carver building when the entire list was reviewed and the senior
25 administrators over there found out they were getting less than half of a big chunk of
26 money because the School System has its views as to what the appropriate percentage
27 of spending ought to be and that percentage is a lot, and when they find out their getting
28 less than most, they're unhappy. So in that context I want to congratulate the Chairman
29 of the Education Committee for prioritizing, which we all need to do at all times. And
30 given that this is the School System's highest priority, given that I actually think I
31 understand it that it's fairly discreet and clear, I'm not going to vote to delete this \$8
32 million item from this package. Ms. Praisner.

33
34 Councilmember Praisner,

35 Well I think, given what we have heard about the RFP and I can count votes, but it's
36 critical that we do have the kind of integration or understanding. And if Ms. Moore
37 doesn't fully know what the status or relationship or development of this program is,
38 then I would request a joint meeting of the Education and MFP Committee meetings so
39 we can have a discussion prior to the contracts being signed so that we can understand
40 the development of this program. I only have to make one comment. We are spending
41 this amount of time on a \$8 million item which is totally appropriate, for the School
42 System, while I couldn't get a second for \$87,000 for Park and Planning.

43
44 Council President Leventhal,

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1 Okay, the motion is to delete the \$8 million recommendation by the Education
2 Committee from this package. Those in favor of the motion will signify by raising their
3 hand. Those would be Ms. Praisner, Mr. Silverman...that would be it. Those opposed to
4 deleting the \$8 million will signify by raising their hands. That would be Mr. Knapp, Mr.
5 Andrews, Mr. Perez, Mr. Denis, Ms. Floreen, Mr. Subin, and myself. The motion is
6 defeated by a vote of 7-2. We still need to go through the other Committee
7 recommendations and we are now on the County Government recommendations, which
8 involve a number of different Committees starting with the Public Safety Committee. I
9 believe Mr. Knapp, the lead member for Fire and Rescue, will very briefly, please,
10 outline the Fire and Rescue Department's appropriations here.

11
12 Councilmember Knapp,

13 Thank you, Mr. President. We had requested the Fire and Rescue to provide us a list of
14 issues that we could consider. Fortunately, as I think most of my colleagues will recall
15 two years ago, we had OLO provide us with a apparatus management overview in
16 which there were a number of shortcomings identified, and subsequently the CAO
17 provided us with an apparatus management plan which the Council last year in a
18 supplemental took great measures to proceed with getting addressed. There's been
19 great progress on improving the overall status of apparatus within the Fire and Rescue
20 Service. Of the issues that were presented to the Committee there were roughly \$2.5
21 million in resources required. \$1.5 million of that was to continue to fund elements of the
22 apparatus management plans, we continue to make progress on that. The other was \$1
23 million in the critical needs category, which is Fire Station emergency power system
24 upgrade. Which as we have learned from Hurricane's Katrina -- and what we have seen
25 as far as tropical storms and hurricanes in this region. The Fire Chief is looking at trying
26 to ensure that our fire stations are stand-alone entities. And right now, as far as back-up
27 power systems are structured, it's very difficult to get assuredness and continuity in
28 each of those stations. And so this \$1 million will work to ensure that our fire stations will
29 be as self-sufficient as possible in the event of any large scale incident within our
30 region. And those are the elements, there are specific issues outlined here such as dive
31 suits, an additional EMS unit for capacity, flashover simulator, LFRD turn out gear.
32 Things that are again small kind of one item expenditures that fit within the context of
33 what charge was with the MFP Committee and the full Council. And all of those are in
34 the 35 to \$50,000 range, but those are the two big categories. \$1.5 million for apparatus
35 management plan and \$1 million for the critical needs. There was one other item,
36 \$400,000 for telecommunications upgrades and replacements that the Committee
37 chose to defer. And the MFP Committee and the Public Safety Committee had a joint
38 meeting yesterday and gave direction back to all County Government to come back to
39 us with a plan as to how we do overall refresh of radios throughout the system, because
40 it's not just a Fire and Rescue systems issue, it really cuts across all of our County
41 departments and agencies, and so that will be coming back to the joint MFP and Public
42 Safety Committee. And that's the Public Safety Committee's recommendation.

43
44 Council President Leventhal,

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1 Okay, Ms. Praisner did you want to comment on the Fire and Rescue and Public Safety
2 items?

3
4 Councilmember Praisner,

5 I had a question. In the context of the infrastructure maintenance and technology, I
6 understand the inventory question and the asset question, but I'm not sure that all of
7 these fit in the -- that category. So I wondered the extent to which these are above and
8 beyond what would be done within the Operating Budget that we're going to see
9 tomorrow, or the County Executive's initiatives, as it relates to that, and if there was a
10 prioritization of these at all?

11
12 Councilmember Knapp,

13 Not having seen the County Executive's budget yet, the request that the Committee had
14 given was to come up with one-time items that would be things we would have to fund
15 in the upcoming fiscal year. And so they would effectively reduce those items that we'd
16 have to pay, so it wasn't above.

17
18 Councilmember Praisner,

19 So this a shift of items that would be funded in '07 that your funding ahead of time in '06.

20
21 Councilmember Knapp,

22 No, not necessarily a shift. What we ran into last year was there are, as has been
23 discussed, things that kind of fall off the table. For example, last year, when we went all
24 the way through the budget, we found, as we were working within the region for first
25 responders, the notion of having turn out gear and having a way to make that be
26 available to accommodate the fact that you probably need at least two sets for every
27 Fire and Rescue member, we didn't have a way to do that. But it doesn't necessarily
28 compete well, and so a number of these items are those types of items that would fall
29 into the budget if we'd need to, but probably won't likely get funded, and so that's what
30 these represent.

31
32 Councilmember Praisner,

33 Well, my preference on this is to hold these and deal with them within the '07 Operating
34 Budget and know the extent to which the Executive has funded them within the '07
35 budget. It's a matter of purchasing these items and I don't see the kind of lead or lag
36 time problems associated with it. So I would move that we take items 31 through 44 and
37 deal with them within the '07 budget.

38
39 Councilmember Silverman,
40 Second.

41
42 Councilmember Knapp,

43 Just to clarify, to include parts inventory?

44
45 Councilmember Praisner,

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1 I'm sorry, I'll pull the parts inventory out 'cause that's the database inventory system,
2 isn't it?

3
4 Councilmember Knapp,
5 It's actually parts.

6
7 Councilmember Praisner,
8 It's parts? Well yeah, then I'll keep them altogether. I would move we deal with these in
9 the context of the '07 budget and know what the Executive has funded in '07.

10
11 Council President Leventhal,
12 Okay, Ms. Praisner has moved and Mr. Silverman has seconded the deletion from the
13 package of -- several of the public safety items proposed. Is someone here from Fire
14 and Rescue in case there are any questions? Oh, Chief Carr, I didn't see you. I couldn't
15 see him, he was behind Mr. [Omivar]. Come on up, Chief. Mr. Silverman.

16
17 Councilmember Silverman,
18 I just -- you'd think after seven and a half years I would learn that I don't have to be
19 consistent about anything, but I will in this case which is again, I think we're going to get
20 the County Executive's budget tomorrow, and there are...

21
22 Council President Leventhal,
23 You think?

24
25 Councilmember Silverman,
26 I think, I know we're going to get it tomorrow morning unless, you know, we get more
27 press releases this afternoon. But I have no idea what else the County Executive has
28 put in his public safety budget, and so why we would move forward to spend these
29 monies, when we can roll that into a FY '07 budget discussion is beyond me. Again I'm
30 not disagreeing with the need for it. I'm just saying I'd like to look at it in the context of
31 whether the County Executive, what he has done in terms of funding other public safety
32 needs.

33
34 Council President Leventhal,
35 Mr. Subin.

36
37 Councilmember Subin,
38 Many years ago a very wise person said "Ignorance is bliss." Why do I know that person
39 was a wise person? Because they obviously were not ignorant. Because only
40 somebody who is smart doesn't know that ignorance is not bliss. If I remember correctly,
41 this whole initiative was a Council initiative. And the Council said and approved, let us
42 take '06 supplementals, and put additional cash into the CIP to take the burden off the
43 '07 CIP. And even if it was the Executive's idea, the Council certainly agreed to it. And
44 the Council is the one who got the number up to \$23.7 or whatever comes after the 23
45 point. Now, unless I'm missing something, everybody had to have understood at that

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1 point that we would be taking any items that were brought forward from the departments
2 out of context of the '07 budget. I don't know anyway to have escaped that notion, none.
3 And we asked all of the folks across the street, all of the department heads, OMB and
4 everybody who works on the budgets in the priorities within the departments, "Tell us
5 what it is in facilities and I.T. that you would take out of the '07 budget and put in '06."
6 And so now we are sitting here today saying "We can't do that, it's out of context." If it is
7 out of context, why did we ask all these good people to come up with all of these issues
8 on what it is that they would fund? We're the ones who scheduled this item for today.
9 We know this year, next year, the year after, the year after, the year after, ad nauseum,
10 when the Executive's Operating Budget is due here because, guess what, we're the
11 one's who put that in the law. So we know it's coming, and unless the CAO has taken
12 up the scheduling of the Council agendas, the Council's the one who scheduled this
13 item for today. So how can we be saying let's not do this because it's out of context? I
14 would certainly appreciate being told that I'm wrong, and that I don't understand. I've
15 been told that before, been being told that since I was in kindergarten. But how? My
16 question is how can we look these people straight in the eye and say, "After we asked
17 you to do all of this work, we are going to tell you it's out of context, thanks for all of your
18 hard work, looks good, appreciate it, see you in a couple of weeks."

19
20 Councilmember Knapp,
21 Mr. President, if I might?

22
23 Council President Leventhal,
24 Mr. Knapp.

25
26 Councilmember Knapp,
27 Just to if we could have Chief kind of run through the importance of some of these items
28 real quickly so people have an understanding.

29
30 Council President Leventhal,
31 Yeah, I'm going to ask not. I think that the issue is not whether these are important
32 items and it's 11:35 and it sounds like every Councilmember supports them, and we
33 already had one vote on whether to take things out of this package, and so I'm not sure
34 that the Chief's or our time is best spent explaining...

35
36 Councilmember Knapp,
37 I will defer to the Council President.

38
39 Council President Leventhal,
40 The description or the importance of dive suits, because I don't think the vote is going to
41 hinge on that. So if you don't mind deferring on that, Mr. Knapp, I'd like to kind of
42 expedite the discussion to a vote after some very brief remarks from Mr. Silverman.

43
44 Councilmember Silverman,

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1 Sure. Thank you, Mr. President, I want to answer Mr. Subin's question. I did not vote in
2 December to have this discussion. It was not a unanimous vote of the County Council.
3 So I'm being completely consistent with where I was in December. I did not support
4 parking \$23 million to use out of context. So I'm having the same position now that I had
5 in December. And I appreciate all the hard work that everybody does to jump through
6 hoops to be here on the table, and sounds like you're going to get your money now so
7 everybody will be happy, but I actually am trying to be consistent with where I was in
8 December, and where I was in December was I don't want to vote for \$23.6 million in
9 one-time expenditures without understanding what other one-time expenditures there
10 are that money could be spent on. And that's all I'm trying to do.

11
12 Council President Leventhal,
13 Okay, I really would hope we'd be ready to go soon to a vote. There are additional lights
14 on. Mr. Subin.

15
16 Councilmember Subin,
17 The Council, Mr. Silverman, it was the Council's will to tell those people to do all this
18 work. We get mad at them when they don't answer our questions, and we tell them that
19 when they do answers their questions it's a waste of time. It was the Council who said it,
20 not us as individual members. We asked them to do that work, and to tell them now
21 because I voted no in December you shouldn't have, you should have known better,
22 folks. Some of us said don't vote for it, you should have not have done the work, then
23 the rest of us would have yelled at you because you didn't do it. It's not right to be
24 whipsawing people because we have other agendas and purposes in mind, and that's
25 what did, that's what we're doing. We're wasting their time arguing because some of us
26 voted yes and some of us voted no. It was the Council's will, and I think we have
27 traditionally done pretty good at understanding that notion.

28
29 Council President Leventhal,
30 Ms. Praisner.

31
32 Councilmember Praisner,
33 I'm sorry, we got more than the \$23 million of requests, and that means that
34 Councilmembers have the ability to use their judgment to pick and choose among the
35 items that were offered. We just had a press conference from the County Executive
36 indicating all of the millions of dollars that he is adding for public safety. It seems to me
37 that it is also consistent when you have a list of items that are part of an issue that has
38 been in front of the Council and the Executive for some time to wonder how they fit in
39 his press conference statements. My initiative to do one-time items on one-time issues
40 was with an assumption that that was not a replacement for '07 money, but was in
41 addition to '07 money. And it is in that context that I am asking the questions I'm asking
42 today. I am perfectly capable of making judgments among the 60 some million, which I
43 think it was, that the agencies responded and decide what my preference would be
44 among the 23 -- for the \$23 million.

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1 Council President Leventhal,
2 Mr. Subin.

3
4 Councilmember Subin,
5 Well, I'm sorry, maybe I misheard, but it seemed to me that the argument was made
6 that this is being taken out of context, and I responded to that. And I also remember
7 certain Councilmembers amending the Committee recommendation which I believe was
8 about 11 or 12, and said you know what, that's not enough. You know, we've got all this
9 extra money, we should be taking as much out of GO bonding as possible. There's two
10 things are at play here. One, the argument was made, "This is out of context, that's why
11 I'm voting against it." And there were other Councilmembers who I also believe may
12 have voted against the initiative but who upped the number.

13
14 Council President Leventhal,
15 Okay, we're ready to vote. The amendment is to delete the public safety...

16
17 Councilmember Silverman,
18 Defer.

19
20 Council President Leventhal,
21 Defer, well defer/delete, I mean we have a package here and this would take out of the
22 package the Public Safety items. Those in favor of...

23
24 Councilmember Praisner,
25 Some of them.

26
27 Council President Leventhal,
28 Some of the public safety items. Those in favor of the amendment will signify by raising
29 their hands. Those would be Ms. Praisner and Mr. Silverman. Those opposed to the
30 amendment will signify by raising their hands. That would be Mr. Knapp, Mr. Andrews,
31 Mr. Perez, Mr. Denis, Ms. Floreen, Mr. Subin and myself. The amendment is defeated
32 by a vote of 7-2. Nice to see you Chief, thanks for joining us. And we are now going to
33 discuss the remaining County Government items which are from the MFP and HHS
34 Committees.

35
36 Councilmember Praisner,
37 The first item is...

38
39 Council President Leventhal,
40 And the T&E also. So we'll MFP first, then T&E, then HHS.

41
42 Councilmember Praisner,
43 Do you want to do on 45, Lines 45...

44
45 Council President Leventhal,

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1 Lines 45, 46, 53 and 54.

2
3 Councilmember Praisner,
4 Right, 45 and 46 is the funding for the Executive Office Building and Judicial Center
5 Emergency Power System upgrade. The existing emergency generators are inadequate
6 to support the life safety systems of these two buildings during a power outage, and
7 need to be replaced. The amendment is consistent with the criteria as a one-time item
8 and the Committees recommend approval for \$2,161,000 for that item. I think the next
9 ones are T&E or I can do the Enterprise Resources and the voice mail if you'd like.

10
11 Council President Leventhal,
12 Yeah, please proceed with Lines -- yeah the Enterprise Resource Planning System and
13 voice mail system replacement please.

14
15 Councilmember Praisner,
16 The Health and Human Services I.T. system improvements.

17
18 Council President Leventhal,
19 I was going to speak to that one.

20
21 Councilmember Praisner,
22 You want to speak to that?

23
24 Council President Leventhal,
25 Yeah, if you could just do Lines 53 and 54.

26
27 Councilmember Praisner,
28 The Enterprise Resource Planning System is the County Government's comparable
29 system, core business systems to the School System one for which we just approved
30 \$8 million. It would begin the process to have County Government do the initial work
31 similar to the amount of money we put in the budget this current year for the School
32 System. Just as School System employees wants to get their checks on time, and
33 individuals who are due money from the county wants to have their bills paid on time,
34 the same issues of the enterprise system failing are true for County Government
35 systems and this \$200,000 would start the Department of Technology Services working
36 on this issue. The second item is the voice mail system's replacement. We are at the
37 point where we have no more voice mailboxes for county employees. This would allow
38 us to transition into a new system. It also would allow us to respond to and change the
39 use of the PBX system which we have now. The dollar cost associated with this one-
40 time issue is \$1,642,000. And Mr. Andrews will discuss the integrated justice system.

41
42 Council President Leventhal,
43 Okay, but first Chairwoman Floreen will give us a very speedy description of the T&E
44 items.

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1 Councilmember Floreen,
2 Well, you'll just see Lines 47 through 50 that includes Clarksburg area road
3 rehabilitation, cleaning up there, and then going back to our prioritization of road
4 resurfacing efforts. You will recall that in previous years, this Council has incrementally
5 increased funding for these initiatives. It was recommended by the infrastructure task
6 force -- maintenance task force to continue to up it and this gets us closer to address a
7 critical need that much like the information technology systems items, we don't hear
8 much testimony from, but are pretty fundamental needs we need to continue to support
9 in an aggressive way. So that's those four items, Mr. President.

10
11 Council President Leventhal,
12 Okay, thank you very much.

13
14 Councilmember Floreen,
15 Was that short enough?

16
17 Council President Leventhal,
18 Very well done, thank you. Regarding HHS system improvements, the recommendation
19 is that the department has plans to take incremental steps to move current applications
20 to the Application Integration Framework. This was a \$2 million project of which
21 \$500,000 can be spent in the current fiscal year productively. The goal of the overall
22 program is to end with one network instead of two, 30 servers instead of 66, and 37
23 unique technologies instead of 61. And they're confident they can spend the money, the
24 \$500,000 in the current fiscal year. And Mr. Andrews will now describe the IJIS, unless,
25 Mr. Silverman, did you have a -- okay.

26
27 Councilmember Andrews,
28 Thank you, Mr. President. The MFP and Public Safety Committees met and
29 unanimously recommended adding this item to the list. This amount of money that's in
30 here, the 1.9 is for moving forward with the Corrections and Rehabilitation Information
31 Management System, which a tremendous amount of work has gone into, but we do
32 know in the Capital Budget the County Executive did not put in enough money to fully
33 fund the two phases of the project, which the Committees were concerned about. So
34 what this does is this takes the 1.9 and moves it so they can get started before July 1st.
35 They are, they moved along really well, and then you'll see later in the day we'll talk
36 about a recommendation to add the rest in the Capital Budget so we keep the project on
37 target. But this is a very important project. \$5 million of the Integrated Justice
38 Information System's total of 11 has come from the federal government and this has
39 been a top priority -- technology priority of the public safety agencies that have put their
40 other priorities behind it. So this is moving along. We want to keep it moving full speed.

41
42 Council President Leventhal,
43 Thank you, Mr. Chairman. Mr. Silverman.

44
45 Councilmember Silverman,

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1 Yeah, I'm not going to make any more motions because, gosh, I can count. But I'll just
2 close my comments because I actually have to get somewhere for a 12:00 meeting, and
3 I'll be back. But I guess to just, you know, close my comments, I didn't vote for this in
4 the fall and we're being, and I don't have a problem with looking at any of these things in
5 '07, but, you know, I have no idea what is in the County Executive's Transportation
6 Budget other than the press release that I saw. So I have no idea whether I would vote
7 for putting this extra money in as a one-time expenditure for road resurfacing or whether
8 I'd rather buy more buses so that we can expand our transit options. But that isn't what
9 we have in front of us, and that's the only way we're going to -- that's the context I'm
10 referring to is simply what else is in the County Executive's budget? We want to use \$23
11 million for one-time expenditures, I don't have a problem with that. But I'm having a
12 problem with cherry picking out issues and programs or projects without understanding
13 what else the County Executive has left on the cutting room floor. And that's why I've
14 been trying to move in this direction. Thank you.

15
16 Council President Leventhal,
17 Very good. The vote is on the package of supplemental appropriations. And those in
18 favor, I guess we need a roll call vote on this.

19
20 Councilmember Silverman,
21 Why?

22
23 Council President Leventhal,
24 No we don't, no we don't need a roll call vote. And so those in favor will signify by
25 raising their hands. And those would be Mr. Knapp, Mr. Andrews, Mr. Perez, Ms.
26 Praisner, Mr. Denis, Ms. Floreen, Mr. Subin, Mr. Silverman, and myself. The
27 supplemental appropriations is passed unanimously. Now we go to District Council
28 Session and we have a resolution to establish a public hearing on April 18th for the
29 amendment to the Master Plan for Historic Preservation. Can I get a motion? Mr. Subin
30 has moved and Ms. Floreen has seconded. The resolution to establish the public
31 hearing on April 18th for the amendment to the Master Plan for Historic Preservation.
32 Those in favor of the establishment of the public hearing will signify by raising their
33 hands. Raise your hand, Tom. It is unanimous.

34
35 Councilmember Perez,
36 That's what Scalia says to Thomas every day.

37
38 [LAUGHTER]

39
40 Council President Leventhal,
41 It is unanimous among those present. Okay, do we have a Legislative Journal -- we're
42 back in Legislative Session, do we have a Legislative Journal for approval?

43
44 County Clerk,
45 Yes, you do, January 31, February 7, and 14 for approval.

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1
2 Council President Leventhal,
3 Okay, Mr. Knapp has moved and Mr. Perez has seconded approval of the Legislative
4 Journal, those in favor will signify by raising their hands. That would be unanimous
5 among those present. We now have introduction of bills. Expedited Bill 4-06 by
6 Councilmembers Knapp and Denis. I see no lights so are there no comments on
7 introduction of this Bill? Mr. Perez has comments.

8
9 Councilmember Perez,
10 This is... what's the bill number, I'm sorry?

11
12 Council President Leventhal,
13 4-06.

14
15 Councilmember Perez,
16 Great, we've had a number of conversations about the issue of lending discrimination, I
17 look forward to continuing those conversations. One thing I want to make clear at the
18 outset is that I hope that everybody understands that everyone, regardless of what side
19 you are on, this Bill is coming to this issue in good faith. It's been regrettable lately in
20 other contexts when opponents attempt to frame other opponents of a debate as
21 somehow being motivated by ill will, and that is simply not the case here. All of my
22 colleagues are coming into this in -- very much in good faith. I am working right now on
23 a -- I spent a good part of yesterday talking with some folks in the taxi industry because
24 we passed a bill last year and a year later it's becoming more apparent to me that we
25 may need to tweak it a little bit to reflect the data that we've learned based on a year of
26 experience. So, I fully concur with those who say that we should always be willing to
27 revisit our assumptions and ask questions about what we do. I also believe that it's very
28 important to be patient and to allow for adjustment periods that inevitably occur when
29 you pass a new bill. If we had taken the advice of opponents of the smoke-free
30 restaurant ordinance. I know there were some small restaurants that were initially
31 displaced and adversely impacted. If we had had a two-week review period on that bill,
32 that would have been premature, and we have seen, based on the evidence, that once
33 people understand the bill and you have the proper outreach and education that you
34 can effect a change in a very, very good manner. I think in this case, we have, I hope as
35 we move also that, and I'm really asking my friends in the banking industry, I hope that
36 we can have a conversation that will be rooted in the facts. I got a lot of e-mails last
37 week, for instance, from people telling me that Fannie Mae and Freddie Mac were
38 pulling out. And I followed up with them to ask who told you that? And they said "Well,
39 the mortgage brokers told me that," and that's a pretty significant statement if Fannie
40 Mae and Freddie Mac were going to be pulling out. The only problem with it is that it's
41 false, it's simply not true. And Standard & Poor as well issued a three or four page
42 memorandum indicating that they would -- this bill would have no effect on their
43 business, and so it was unfortunate. I had another call from someone saying that if they
44 get embarrassed during the course of their application for a loan that they can be sued if
45 their client felt embarrassed. I said "Who told you that?" Oh, the mortgage brokers

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1 again. So I hope we can all be entitled to our own opinions, but that we will not be
2 entitled to our own set of facts. So I would ask my friends in the industry to make sure
3 that the debate is, indeed, rooted in the facts in the future. Because there really has
4 been a remarkable campaign of misinformation that has taken place over the last two
5 weeks ignoring, of course, the 570 out of the 600 lenders who are still here, ignoring the
6 other 600 to 800 mortgage brokers in addition to the lenders who are still here, and
7 focusing instead on a small minority of lenders. I hope we will look at the experience of
8 the 64 other jurisdictions that have laws in place already, and again, let's look at the
9 facts. Did the sky fall in those 64 local jurisdictions, did access to credit dry up? I hope
10 that we will take a look at those questions and come up with decisions that are again
11 rooted in experience based on the facts and not based on campaigns of misinformation
12 and fear. We will always respect the opinions of courts, that is the system of
13 government in which we live, and we have many chapters awaiting to be written in that.
14 If we have to amend the bill, we will of course, amend the bill. But what this is about is
15 whether or not local government can play a meaningful role in protecting its residents
16 from discrimination. That's really what the debate is about. Can local governments play
17 a role in protecting its residents from discrimination, because the bill that was introduced
18 today does not just apply to lending. It applies to every form of discrimination that the
19 Office for Human Rights prosecutes. And so if the bill were to become law we would
20 again become a County in which you are a victim of employment discrimination, and
21 you want to go to the County you, could get your actual damages, say your lost wages,
22 plus \$5,000. That would be the cap. That is not a meaningful deterrent, and that was a
23 major reason why this Council passed a law, and the County Executive signed a law so
24 that local government could become a meaningful player in protecting its residents
25 against discrimination. Just as other dozens of other local jurisdictions have become
26 meaningful players in protecting their residents against discrimination. That's really the
27 policy debate that is underway and will continue to be underway. I certainly respect the
28 point of view that says that local governments shouldn't have a role in protecting their
29 residents from discrimination. That is a very principled point of view, it's a point of view
30 that I fundamentally disagree with, but I certainly understand it. There are a lot of people
31 who share it, and that's the debate that we should have in the months ahead. I was a
32 little bit surprised to read stories to the effect that this is a solution to a, quote/unquote,
33 nonexistent problem. That's really curious on a number of levels for me, and I look
34 forward to having the debate about that, and look forward to talking about the
35 persistence of discrimination because we live in Montgomery not Mayberry, and we are
36 a community that regrettably in so many contexts is subject to forces of discrimination.
37 We had a number of studies including matched pair testers a few years ago,
38 documenting discrimination in the rental housing market in Montgomery County. We've
39 see that we're no different than any other jurisdiction in America. And it's particularly
40 curious to me when I look at the racial disparities in the rates of subprime loan for upper
41 income African-Americans, I ask myself the question, upper income African-Americans,
42 why is it that they are disproportionately in the subprime market? There are some in the
43 industry who have contended that that is just a natural state of being, that there are
44 other nondiscriminatory explanations for that. I look forward to having that debate
45 because find it very curious and very difficult to comprehend how it is that upper income

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1 African-Americans are disproportionately in the subprime market. I frankly believe that
2 lower and moderate income African-Americans and Latinos are unnecessarily in the
3 market, too many people don't have to be there. But I'm looking forward to that debate.
4 We'll continue to have the debate. I hope the debate is governed by the facts and that
5 we have a campaign of information, not misinformation. I hope that people will not go
6 around again, for instance, claiming that Fannie Mae and Freddie Mac and Standard &
7 Poor are pulling out when we know that that is simply factually inaccurate. And it really
8 makes me wonder about the strength of the claims when people are deliberately
9 misstating facts. And I am not stating in any way, shape, or form that that any of my
10 colleagues was involved in that. Quite the contrary, it appears to have been a few
11 people -- I understand their zealousness and passion -- but let's not let passion allow us
12 to take liberties with the facts. And let's remember that we frequently pass laws,
13 regulations, policies that involve a change in how business is done. One thing we need
14 to do a better job of here is when we do that, we need to make sure we do adequate
15 campaigns of outreach and education. We'll continue to do that in this case. I'm looking
16 forward to this debate and I'm confident that in the end of the day, I believe it's important
17 for local governments to play a role in protecting victims of discrimination from those
18 nefarious actors who are cheating people out of the American dream. I think that is very
19 regrettable that that is occurring and I look forward to learning from the experiences of
20 other cities. I'm curious as to how it is that credit didn't dry up in these 64 other
21 jurisdictions that have ordinances that are actually far stronger than the ordinance that
22 we passed. How is it that the credit market didn't dry up there, but if we do it here we're
23 going to somehow have a different effect? I look forward to having that debate because
24 I think once we look at the evidence and we see that 570 of the 600 lenders -- albeit 570
25 who are far more silent than the 20 or 30 who were the vocal opponents -- I look
26 forward to having that discussion, because I'm confident that at the end of the day we're
27 going to see that local government needs to play a role. And that we shouldn't leave the
28 business of protecting victims of discrimination to George Bush and Dick Cheney and
29 this Justice Department and this Housing and Urban Development office because I
30 certain just don't have confidence in George Bush, Dick Cheney, and Bob Ehrlich to
31 protect residents of Montgomery County. And that's why we did it. And I'm looking
32 forward to the future debate on this and I am -- I appreciate the fact that all of my
33 colleagues come to this in good faith, and we'll have a passionate robust debate that
34 hopefully will be governed by the facts. We may disagree on what follows from the facts
35 but hopefully we can come to an agreement on the facts.

36
37 Council President Leventhal,

38 Well, thank you Mr. Perez, and I agree with you that all Councilmembers come to this
39 issue in good faith, and I believe that up came to this issue in good faith, and I believe
40 that Mr. Knapp and Mr. Denis who have sponsored this repeal bill come to this in good
41 faith. I would love to be governed by the facts. The problem has been for the last year,
42 every fact has been in bitter dispute, and it has not been possible to get an objective set
43 of facts. We have the lending industry, which clearly has an interest in this bill, and we
44 have Consumer Advocates, which have made claims on behalf of this bill which are
45 difficult to assess and some of which have not proven to be the case. So it has not been

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1 easy to ascertain what facts are true. In addition, frequently and just now, we've had
2 straw men offered in this men such as, quote, there are some who think local
3 governments shouldn't protect their residents from discrimination. Mr. Perez, I've not
4 heard that asserted by anyone in this debate. Let me finish, I'll call on you.

5
6 Councilmember Perez,
7 Sure.

8
9 Council President Leventhal,
10 Let me just finish. I've not heard the lending Industry assert that local governments
11 shouldn't protect their residents from discrimination. We have Office of Human Rights,
12 the Office of Human Rights is empowered to protect our residents on lending, on
13 employment, on housing, and in other public accommodations, and in a wide range of
14 areas that were covered in our Human Rights Ordinance before you introduced your bill
15 a year ago, which indeed already empowered people to bring a complaint of
16 discrimination in lending before the Human Rights Office, and no case has ever been
17 brought in the history of Human Rights Office. But I've not heard anyone assert that
18 local governments shouldn't protect their residents from discrimination, that is not at
19 issue. Everyone here agrees in the role of the Office of Human Rights, and I think
20 everyone agrees that \$5,000 across-the-board for humiliation and embarrassment for all
21 discrimination is too low, and my sense is that the sponsors of this repeal bill also agree
22 it is too low. I've had conversations with the sponsors of this bill, and it was my judgment
23 that a straight repeal bill was the best way to begin a conversation about how to remedy
24 a situation, which unfortunately has caused a lot of uncertainty in the local economy.
25 I've heard you a number of times, Mr. Perez, state quoting Hippocrates, that our first
26 rule should be do no harm. If there's anyone that is confident that absolutely no harm
27 has been done to our local economy then we can have that discussion, but I sense that
28 many Councilmembers do believe that some harm has been done and that we need to
29 take a look at this bill. I have made the judgment not to co-sponsor the repeal bill
30 because as Council President, my sense, and I think most people's sense here is we're
31 not going to end up with an outright repeal of every line of the bill that we enacted a few
32 months ago. But I also sense that there will be a significant changes. I sense that a
33 majority of Councilmembers would like to see changes and have the ability to move
34 forward with a strong human rights ordinance that protects against all forms of
35 discrimination that is reasonable and fair, but that does not do harm to our local
36 economy. So I want to thank Mr. Knapp and Mr. Dennis for taking the lead on this. I do
37 think that offering a straight repeal is the best way to begin this conversation. I don't
38 believe we're going to end up with outright repeal, I think we need to have a
39 conversation with those who -- if we can find those who believe they've been
40 discriminated against, as yet not one Montgomery County victim of lending
41 discrimination has stepped forward to participate in this conversation. I don't question
42 that there are such victims, we haven't heard from them. They did not testify at the
43 public hearing, they did not speak before the Health and Services Committee. I believe
44 they are out there. I do not know whether they'll will ever come forward to the Human
45 Rights Office since, in fact, those who are victimized by lending rip-offs are often not the

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1 most sophisticated consumers of financial services, and may or may not know that they
2 have access and that they have always had access to our Office of Human Rights.
3 Making that link and educating consumers is the major task before us. Getting
4 consumers of financial services more sophisticated about their options is the best way
5 to address lending rip-offs. And educating victims of rip-offs that they have access to
6 County Government is a challenge that this bill never has really addressed. I don't know
7 that how a victim of a lending rip-off is ever going to know that that victim has access to
8 the Office of Human Rights. So we've had a very heated conversation about this bill for
9 a year, and we've had lenders large and small withdraw. We have had a judge stay the
10 implementation of this bill, we're going to have a hearing in July. And so we're faced
11 with a situation, and I agree with you that the Taxicab Bill is apt comparison, where we
12 passed a bill with certain goals, we don't appear to be achieving those goals, we appear
13 to have effects that we didn't anticipate and it merits reexamination.

14
15 Councilmember Perez,
16 Few points, Mr. Leventhal, I would refer you to the testimony of December of 2004.
17 There were a number of witnesses. You may recall the testimony of Luis [Chilikinga]...

18
19 Council President Leventhal,
20 Was he a resident of Prince George's or Montgomery County?

21
22 Councilmember Perez,
23 Montgomery County, sir. Okay, and Luis came to a...we had four witnesses who came
24 forward and, frankly, you know, this is wonderful illustration of the problem. I spent this
25 morning and my staff spent this morning, a good part of this morning on the phone with
26 a person who is an MD, who was a victim and who did come forward last year who,
27 frankly, doesn't want to be here today. And doesn't want to be here today because this
28 whole process was so embarrassing to her and brought back so many bad memories
29 that she and her husband are having a dispute about what to do. And they do not want -
30 - they don't want the public attention. And that is why -- there's a host of studies that
31 show how victims of housing discrimination, lending discrimination are something like
32 40% less likely to file claims. And so Luis was a person who came here last year, talked
33 about the fact that he's limited English proficient. He was on the last panel of that
34 evening. Talked about the fact that when he got to his closing of his loan, the interest
35 rate had been changed. He was unaware of that change until he got there. All the
36 documents were in English and he just wanted his home. And when you get to your
37 closing you just want your home and you're willing to do just about anything to get your
38 home. Didn't realize there was a prepayment penalty included in his loan
39 documentation. Couldn't read English, and so he signed the loans. Cost him thousands
40 and thousands of dollars to get out of the situation he was in. This other woman who,
41 I'm going to protect her confidentiality, she was here last year though as well. Someone
42 else who had a similar set of circumstances. So happy to bring those people to your
43 office if they're willing to come. Happy to have that conversation. The point I made in my
44 introductory remarks was that I believe that County Government needs to be a
45 meaningful player. And one of the easiest questions to answer in this debate is why

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1 hasn't the local Office for Human Rights gotten any of these complaints? That's a really
2 easy question to answer, I would respectfully observe and that answer is when you
3 have a federal law that has unlimited damages, versus a local law in which you can get
4 your out-of-pocket loss plus \$5,000, what rational victim of discrimination is going to use
5 local government as a remedy? And that is why we need multiple options. Multiple
6 effectual options for victims of discrimination. That's why 64 jurisdictions have enacted
7 laws that are substantially equivalent to what has been put in place in the federal
8 government. So I'm all favor, if we need to amend it, we always have to have the good
9 judgment to recognize that we respect what courts do and that we should always be
10 willing to do that. We also have to have patience, because when we have enacted so
11 many other things in this county, if we had had a one-week window of review for all of
12 them we might have had a far different outcome. And that's what I would respectfully
13 observe at this point is that we'll certainly have this discussion, and I think it should be
14 governed by the question of how can we be a meaningful player in the battle to protect
15 victims of discrimination. And I look forward to bringing these four people back to your
16 attention to refresh everybody's recollection of the circumstances of their cases. Thank
17 you.

18
19 Council President Leventhal,

20 Okay. We now have before us a work session on the Capital Improvements Program.
21 We're going to continue until 12:30. The first item, the first several items are all under
22 the Public Safety Committee. Chairman Andrews.

23
24 Councilmember Andrews,

25 Thank you, Mr. President. Our first item is discussion of the Liquor Warehouse
26 Expansion Project. George Griffin, who is the Director, I know was here but he did have
27 to leave for a commitment that he has out of town and I certainly understand that. We
28 did meet with him as a Committee and I think there are representatives here from the
29 department if there are questions. Justina Ferber is our staff member who is the
30 legislative analyst for this item, and let's see who we have here. Please join us at the
31 table if you're here from the Liquor Control Department and are here for this session.
32 This is a proposal to expand the warehouse at the County's liquor warehouse facility by
33 52,000 square feet. It addresses two problems: one problem is the lack of adequate and
34 appropriate storage. The County Liquor Control Department is currently spending over
35 \$300,000 a year having to store items off-site to comply with manufacturers' standards
36 and ensure the product maintains its quality. That's expected to go up possibly double in
37 the next few years and maybe sooner than that because of the problems in complying
38 now with the requirements. There's also a worker safety problem at the warehouse that
39 risk management is recommending be addressed. There are four pallets and they're
40 recommending that there be three to comply with worker safety standards. And what the
41 proposal is is for a \$7.3 million item to expand the storage capacity. This will not come
42 out of general revenues or of debt, and it will be financed through the enterprise
43 revenues really, and Enterprise Fund of the Liquor Control Department. We've been
44 ensured by the department that they'll continue to meet what has become the annual
45 expectation of the transfer to the county funds of approximately \$20 million. I think the

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1 Public Safety Committee is of the same mind that the department is being well
2 managed and has really improved its outreach to the public and to its distributor and to
3 people that work with it in the community. And we recommend this project go forward.
4 We do recognize that the Council approved the Shady Grove Sector Plan, but this is not
5 scheduled to be an early part of that plan, and the need is pressing in the view of the
6 Committee and in the view of the department to move forward with this. It's ready to go.
7 It should be completed in about a year if this is approved. So, it's not a complex project,
8 but it's important to ensure the continuing quality of the product they deliver. So the
9 Committee is recommending approval of the Council.

10
11 Council President Leventhal,
12 Okay, Ms. Floreen.

13
14 Councilmember Floreen,
15 I had a question about this, Mr. Andrews, because it's an issue associated with the
16 EMOC really on the Shady Grove issue. It's one we certainly have struggled with in the
17 T&E Committee and as you know in the Shady Grove plan. Is the thinking here that
18 well, we'll spend this money and then we'll just see what happens? And then I'm
19 concerned because I'd like to make sure that we did this in concert and I...

20
21 Councilmember Andrews,
22 Yeah.

23
24 Councilmember Floreen,
25 ...I honestly am going to have to ask staff to remind me how we've handled the EMOC
26 issue.

27
28 Justina Ferber,
29 Well, I think the Committee discussed that, and because they're across Crabbs Branch
30 Way from the EMOC they wouldn't be taken until much later.

31
32 Councilmember Floreen,
33 We don't have a -- there is no plan for that at this point, we don't know the answer to
34 that.

35
36 Justina Ferber,
37 Yeah, but I think the thought was that it would come in such late stages of the plan, it
38 would be a minimum of 10 years before anything took place. So I think that's what the
39 Committee discussed. The Executive staff can respond to that.

40
41 Councilmember Floreen,
42 I don't know if Lisa's around to address this. Lisa Rother who is sort of looking after
43 these issues
44 Justina Ferber,

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1 Well, Lisa, I talked to Lisa because Glenn and I talked about this because EMOC is his
2 project, because he was concerned too But Lisa agrees that this is okay that because of
3 their location that they wouldn't be until late stages, so Lisa was comfortable with it and
4 Glenn was comfortable with it.

5
6 Councilmember Floreen,
7 Glenn was?

8
9 Justina Ferber,
10 Yes.

11
12 Councilmember Floreen,
13 Okay. Well, I just have to say I am really concerned about these projects in Shady
14 Grove, not that they're not really important, but we have continued to raise this issue,
15 and I guess I would ask that if it is possible to alert the Liquor Department, Department
16 of Liquor Control, if there is some activity that's going to affect this project, if we have
17 any information that something may be coming shortly to address us that that be taken
18 into consideration by the Executive Department. And not that, you know, I'm not
19 opposing this in any way. I just don't want to us spend \$7 million for facility that is going
20 to have to be torn down in two years. So, if I...

21
22 Councilmember Andrews,
23 No, and I agree, we wouldn't have recommended it if we thought that it would be, have
24 to be moved in any, you know, within 7, 8, 9 years, 10 years.

25
26 Councilmember Floreen,
27 Right, there's just so much up in the air on this issue, and, of course, we haven't even
28 done the sectional map amendment yet, have we? So the clock hasn't started running. I
29 know the RFP though is out, I think. Is it?

30
31 Martha Lamborn,
32 If it's not, it's soon.

33
34 Councilmember Floreen,
35 So a lot of things are in -- a lot of balls in the air in the area at this point. So I simply ask
36 that that be noted and considered, if there's any possible implication for this project that
37 the Public Safety Committee be notified.

38
39 Council President Leventhal,
40 Well, I think that is very well stated, Ms. Floreen, and I just wanted to ask a question
41 and make a suggestion. First of all, I'd like to see a copy of the RFP for the County
42 Service Park if it's been issued. If we could just circulate that to Councilmembers if it's
43 already out. And I wonder if we don't have language in the PDF that states Ms.
44 Floreen's point that the -- we believe this not a use -- efficient expenditure of funds if the
45 warehouse is going to be relocated within -- what time frame? Within the next four or

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1 five years? I mean what would be the point at which this expenditure would not make
2 sense?

3
4 Councilmember Andrews,
5 I would feel comfortable with five years. I certainly think it -- I wouldn't support if it was
6 moving within five years.

7
8 Council President Leventhal,
9 Can we amends the PDF to reflect that the funds will not be expended if in the course of
10 responding to solicitations of interest, it is determined that the warehouse will be moved
11 by, you know, within the five-year time frame.

12
13 Councilmember Floreen,
14 Keep in mind if they're going to start this project in '07, they're going to start it
15 momentarily, basically. So they won't have that information.

16
17 Councilmember Andrews,
18 They expect to be done by next year or within a year, next summer.

19
20 Council President Leventhal,
21 When are we going to get responses to the RFP?

22
23 Martha Lamborn,
24 I don't know if the RFP is out. That we'll have to figure out, and I can come back with
25 that this afternoon. It was our sense that there's an immediate problem here. There has
26 been an immediate problem here for about three years, and we will be financing it on a
27 very short-term basis. Further, it takes -- let's assume that everything is going to move
28 from that whole area. It will take a good deal of time. It may not take a long time to come
29 to the generic decision, but to get all the "I"s dotted and "T"s crossed, it's going to take
30 quite a lot of time and I think sort of Silver Spring your picture.

31
32 Council President Leventhal,
33 Well then why don't we just issue a straight statement in the PDF, and that will affect the
34 relocation of the County Service Park? We will just state that these funds are being
35 appropriated and it's our understanding that the warehouse will not move for at least five
36 years. And the RFP should so reflect it, or at least in evaluating the RFP it should so
37 reflect.

38
39 Councilmember Floreen,
40 Why don't we take a shot at that and you can circulate that language around and if
41 there's a problem we can look at it again.

42
43 Council President Leventhal,
44 We can hold on voting on this until we see a new language for the PDF.

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1 Councilmember Floreen,
2 That's okay. Thank you very much.

3
4 Council President Leventhal,
5 Good, I think the point's well taken. Okay. So Correction and Rehabilitation.

6
7 Councilmember Andrews,
8 Let's have the folks from the Corrections Department join us at the table. The project
9 here is the reuse of the detention center and the Committee continues to believe this is
10 a very important and well-conceived project that combines a number of public safety
11 agencies with Department of Corrections really being the lead agency, but not certainly
12 the only one. The Sheriff will be using it as well, Health and Human Services, the courts,
13 the District Court, and there's now -- and I warrant in the future a unit of the police. The
14 change here is twofold. One is an increase in the cost which primarily includes a new
15 proposal to have a different use of what was anticipated for the high-rise at the facility,
16 which is the high-rise in the facility that's there now which originally was planned to be
17 torn down. The Executive and department have -- are proposing a different use. The
18 cost of demolition is \$2 million to tear it down. There is a real need in the Police
19 Department and in some other agencies, but mainly the Police Department right now for
20 additional storage of evidence. And the proposal is to add to the scope of the project in
21 that way and to convert that high-rise residential inmate -- from an inmate facility to a
22 storage area with climate controlled storage for sensitive evidence which the police
23 need to store which they are out of space at this point to do and are having to rent
24 space now, lease space now to do. Evidence has been stored at headquarters over the
25 years. Headquarters is clearly too small for what's needed. So now the department is --
26 the Police Department is leasing space for about \$100,000 a year to store evidence.
27 That will not be adequate as the needs of storage for evidence grows. And I think -- the
28 Committee agreed that the idea makes sense. That's the most cost-efficient way in the
29 long run to store this evidence and it's in a secure facility as well. So that's good aspect
30 of it as well and it saves the demolition cost of \$2 million and it would be very expensive
31 to build a separate building for another purpose. So the Committee supports the
32 proposal to add \$3.3 million to the project to renovate the high-rise so that it may be
33 used for climate-controlled storage and also acknowledged there has been an increase
34 of about a million and a half dollars in the estimated cost of the project overall. The
35 Committee acknowledges that at reconciliation, the Council may want to look at whether
36 this additional change, this \$3.3 million for the storage is something that has to be done
37 now. It doesn't have to be done right now. The high-rise is not going to disappear. And
38 the Police Department can get by for a while using their current methods of storage. But
39 it does make sense over the years to do this. And the Committee supports the proposal
40 with that acknowledgement at reconciliation that this could be something that does not
41 have to be done in the next year or two. But it's a good proposal, it makes sense, it's
42 probably the most efficient way to address the issue, and the Committee continues to
43 support the project and notes that we've received \$11 million in state funds for this,
44 which is more than a third of the projected final cost; actually it's about 35 to 40%. And
45 so we urge the Council to keep this project on target. The construction is scheduled to

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begin very soon, if I recall, and be completed in FY '010. I think it's a long schedule for the construction but the schedule is to begin next year and complete by FY '10.

Council President Leventhal,
Ms. Praisner.

Councilmember Praisner,
I had a question about the \$3 million reference in the packet for the Council where the Committee is suggesting it that if during reconciliation there is a need to adjust funds in '09 and '10 that this could be looked at. What -- my question was is there a possibility to spread these dollars over different years? Is that the point, or is it that you would eliminate the project completely or just slide it...

Linda McMillan,
Well, if you were -- the storage comes at the end, because they have to use a part of the high-rise for the initial part of the...

Councilmember Praisner,
It's the last piece of the work you would do because you had to have the building...

Linda McMillan,
If you're at that part it's in those last two years. So if you were to decide in your whole CIP reconciliation that there were higher priorities and you wish to remove this for now, it would come out of those years.

Councilmember Praisner,
Or one could slide it because once the facility is done you could do the storage work at any time, correct?

Linda McMillan,
Yes, you could come back and do it.

Councilmember Praisner,
I just wanted to understand that. Because the way it was phrased here, it only looked at the option of eliminating it, one option might be to spread the work or to do the work in '12, not '012. In '12 or '11 but whatever.

Linda McMillan,
But the \$3.3 million is amount that can be...

Councilmember Praisner,
Adjusted or modified. Thank you.

Councilmember Andrews,

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1 And \$1.3 million of the increase is to fund it's current scope and that's to replace a boiler
2 and an elevator that needs to be done at the beginning to support the rest of the project.
3 But there is flexibility with the storage.

4
5 Council President Leventhal,
6 Okay. Then on the recommendation regarding Correction and Rehabilitation Detention
7 Center reuse, those in favor will signify by raising their hands. Okay. It is unanimous
8 among those present.

9
10 Councilmember Andrews,
11 Okay.

12
13 Council President Leventhal,
14 Next is the IJIS.

15
16 Councilmember Andrews,
17 Okay, we talked...

18
19 Councilmember Praisner,
20 Mr. Andrews is going to do...

21
22 Councilmember Andrews,
23 Okay, we did deal with this a little bit in the one-time expenditures, this continues to be
24 the top priority technology project of the criminal justice agencies. It's a \$11 million
25 project overall. We have gotten about half of that from the federal government that's
26 provided the common system that people access. And now we're moving forward with
27 implementing the different systems within each agency. The Executive has
28 recommended funding a portion of what the Committee thinks is needed. And we are
29 recommending an additional \$1.67 million added in order to ensure that the Corrections
30 and Rehabilitation Information Management System is fully funded in this six-year CIP.
31 An extraordinary amount of work has been done by Corrections to get ready for this and
32 to begin to implement it. We think that kind of good work should be recognized when a
33 project is of this value. And the Committees, both the Management and Fiscal Policy
34 and Public Safety Committees, want to keep this on track and not see a delay in this
35 six-year CIP in implementing the entire project for the -- for CRIMS as it's called. So
36 we're recommending that that be fully funded in the CIP since all systems are go there
37 and the department is ready to move forward and has done by all accounts an excellent
38 job in preparing to implement it. The -- so that's part of it. Let me see if there are any
39 questions about that aspect of the recommendation. Okay, other aspects of IJIS include
40 the State's Attorney Case Management System and the Circuit Court Case
41 Management System and the Records Management System which is used by the
42 Police and Sheriff. Really, although they have the title State's Attorney and Circuit Court
43 before them, they are truly used by other agencies as well. And in terms of the other
44 recommendations, the State Attorney Case Management System is expected to cost a
45 total of about \$2 million. The Executive's recommending the remaining \$1.4 that is

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1 needed to supplement the \$600,000 that is there now. The Circuit Court will be the last
2 major piece of IJIS, that will cost an estimated \$5 million. The Executive has proposed
3 \$300,000 in this budget for planning, design, but has not put anything else in there.
4 We'll need to come back to that when that design is done, so heads-up there. The
5 record management system includes in this proposal \$225,000 for the Sheriff to use the
6 system to conduct business. A fair chunk of the Records Management System of the
7 Police Department has been funded with federal funds or earlier -- not of federal funds,
8 but with the earlier funding that we provided for the Police Department through the
9 mobile data and other technology improvements that we adopted a couple of years ago.
10 So the Committee's pleased that IJIS continues to move forward. I think it's a success
11 story so far, and it looks like it'll continue to be. And we need to keep it on track and
12 implement it so we have a more efficient, effective, and safe public safety system and
13 this improves all of those aspects of public safety. It makes it much more efficient to be
14 able to get real-time information and to enter in one place. It makes it safer for officers
15 to have this information at their fingertips and it improves coordination among the
16 agencies. So the Committee recommends funding \$1.67 million in addition to the
17 County Executive's recommendation to ensure that the Corrections Rehabilitation
18 Information Management System continues to proceed and is implemented fully in this
19 CIP.

20
21 Linda McMillan,

22 And I would just like to clarify there's a second part to the recommendation which is
23 language on page 2 of the memo. The Committee did want to put in language that the
24 funds may not be spent on the Court Case Management System and the newly
25 identified RMS components until the Committees get a report back on the full cost of the
26 Case Management System in the State's Attorney's Office and CRIMS. And then there
27 would be time for consideration of what that actual cost was.

28
29 Councilmember Andrews,
30 Right. Thank you for mentioning that.

31
32 Council President Leventhal,
33 Thank you. Ms. Praisner.

34
35 Councilmember Praisner,
36 I just wanted to comment that I think as we move further along in the IJIS system, there
37 obviously are going to be other things that surface. I think it's important for us to have
38 some brief description for the general public that explains how all of these millions of
39 dollars that have been spent, what it means from a standpoint of how they benefit. And
40 whether it is how our staff can move more efficiently but what the benefit is to the public
41 of the IJIS system. We've talked about it but I think we talked about it more from a
42 government department to department level kind of issue and I think the public, looking
43 at the dollar amount, needs to fully understand why the focus on this and what value
44 there is to them. So I would hope that folks could look at that issue and perhaps give us
45 some language that -- or work with our staff to give us some language such that the

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1 Council could use through its explanation of adoption of the budget and IJIS. Especially
2 since the Executive, again, has made reference to that. I continue to get questions
3 about the large amounts of money being spent and why not something else. So I think it
4 would be helpful if we articulated that. Second thing I just had is I would like offline, not
5 now, especially since we're so behind time, to get an update on the progress to -- in
6 response on page 3 to the comments in the Committee about using [CAPWIN] to
7 access the other database systems. Folks were going to get back to me and I'd like that
8 update offline. Thank you.

9
10 Council President Leventhal,
11 Okay. So there are no more commence on the IJIS system. If there are no objections
12 the Council approves the Public Safety Committee's recommendations on IJIS. We're
13 going to try to get through Police in the next five minutes because I know the
14 representatives of the Police Department have other important business to take care of.
15 So, Mr. Chairman, please proceed.

16
17 Councilmember Andrews,
18 Thank you, if the representatives from the Police Department join us as Chief Manger is
19 here. We're running behind but I think we may be able to move through this fairly
20 quickly. We'll see, and if we can't, we won't. In terms of new items in the CIP, the First
21 and Second District Stations are in the CIP for design of new stations, both are 40 --
22 more than 40 years old and are not suitable now for what's needed. And Chief
23 Manger was very interested in seeing and stay in the rotation, stay in the CIP for at least
24 design, and that is what is proposed by the Executive and that is what the Committee is
25 recommending for the First and Second District Stations, the Rockville and Bethesda
26 stations. It may be that at some point there will be a proposal to combine a new
27 Rockville Station with a new headquarters, which is very much needed as well. And so
28 we'll wait to see if there are any proposals there. Certainly the station in Bethesda has a
29 lot of value because of its location that should help offset the additional cost. But the
30 estimated cost of those facilities is about \$20 to \$25 million, so at some point we'll see
31 proposals in those ranges. Hopefully offset by the value of the current facility. In terms
32 of the Third District, the Silver Spring Station, that is -- continues to be in the CIP. A site
33 is being looked at near Colesville Road and New Hampshire, I believe. It is important
34 that a site be selected in the next year if the CIP is to stay on schedule. There have
35 been delays here because of the problems in finding a site. But the plan is to move the
36 station into a more central location in the district, now especially that the new substation
37 will be open at the new fire station in Silver Spring. So that continues. The Sixth District
38 Station is moving forward and is scheduled to begin -- to be completed by FY '11, a site
39 is clearly preferred at the Watkins Mill/355 area and negotiations are proceeding to work
40 out the details on who's responsible for road connections, road improvements but that is
41 clearly the preferred site of the department. The Committee agrees that's a good site as
42 well. And it is important to keep this project moving forward given the pressure on the
43 Sixth District now, which is operating out of a small facility nearby, but cannot be a full-
44 service station at this point where one is needed. So the Committee recommends
45 keeping that on track as well. The total cost of that is about 18 to \$19 million according

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1 to the current estimate. In terms of the animal shelter, the animal shelter very much
2 needs to be replaced with a modern facility. The department is taking a relook at the
3 design of the current proposal to ensure that it is something that we will want to have for
4 the next 30 years, that it's designed to have a facility that is modern and welcoming and
5 friendly and creates the right impression for people who visit there, work there and who
6 are housed there including the animals. So they are looking at what other places have
7 done to make sure that it is a facility that is well designed to meet all those needs. The
8 location that is planned and has been picked is at Laytonia Park near Muncaster Mill
9 and the...

10
11 Multiple Speakers,
12 Air Park.

13
14 Councilmember Andrews,
15 Shady grove. And the details of that site are described somewhat in the packet. It is
16 important to keep this moving forward. The current animal shelter has all kinds of
17 problems, as I think everyone's heard, leaky roofs, inadequate space, and inadequate
18 facilities. And was -- got a very poor review when it was evaluated several years ago by
19 a national organization that evaluates animal shelters. So it does need to be replaced
20 soon. This keeps it moving forward, and it would be completed by FY '09 and beginning
21 next year. So that's not far away and that cost is about \$13 million. The Outdoor
22 Firearms Training Center, we propose that only design funds be put in for that at this
23 point. Eventually it will cost about \$5 million, but it's not ready for construction funding.
24 And the Vehicle Recovery Facility needs to move forward very quickly because the
25 current facility is extremely inadequate for serving the needs it needs to serve and has
26 all kinds of problems with sanitary issues and rodent infestation, problems with water, all
27 kinds of things. It's not a facility that we want anybody working in and it needs to be
28 rebuilt and it is scheduled to be completed next year. So it's a project that's ready to go.
29 The permits have been attained after a long time and that's about a \$5 million project
30 and that's near Metropolitan Road. Those are the items in the Police Department's CIP.
31 The Committee recommends moving forward with those recommendations.

32
33 Linda McMillan,
34 And the language amendments to the narrative are listed on page 2 of the packet for
35 the First District, the Second District, and the Animal Shelter that reflect the Committee's
36 discussion.

37
38 Councilmember Andrews,
39 And the department is planning to reach out to the community and have another public
40 meeting about the animal shelter to make sure the community understands exactly what
41 it would be, how it would work, where it is, and so on.

42
43 Council President Leventhal,
44 Okay, there are no questions. So without objection then we will approve all of these very
45 important police stations. And if Councilmembers can restrain their appetite for another

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1 five minutes or so, maybe we can complete the next item, which would be Fire and
2 Rescue/Police joint projects. I understand Chief Clemens is here from FRS and we
3 could just knock that one off and then we would go to lunch.

4
5 Councilmember Andrews,

6 Okay, all right. The first item here the Public Safety Training Academy. Cost has
7 increased and new cost estimate is \$24 million. As everyone I think knows the PSTA
8 has not been renovated since it was built 33 years ago. The Committee is
9 recommending that we add \$649,000 to ensure that we do this renovation right, which
10 should we think include the replacement of the 30-year-old windows which is \$368,000
11 and upgrade the floor material from linoleum to tile so that it lasts. This is an extremely
12 heavily used facility, I think we've all been there, it's used constantly. We want to make
13 sure the renovation is done right and we don't have to come back and replace windows
14 and floors in a few years. It's not a significant percent of the total cost. We think it's a
15 good investment to make now so the Committee recommends those additions to the
16 Public Service Training Academy. The rest of the cost is the latest cost estimate for the
17 completion of the building. The Public Safety Memorial, the Committee's recommending
18 to add \$50,000 to that to continue to move that forward. Private sector efforts are
19 proceeding as well, and the private sector has been very involved in that. Mr. Subin has
20 been very active with that and we want to thank everybody with who is participating in
21 that. The Chamber of Commerce has done a lot in that area as well to help move the
22 memorial forward. The Silver Spring Station is recommended for close out, that's the
23 new class three Silver Spring Fire Station combined with a Police substation in
24 downtown Silver Spring. It's a \$13 million project. It's ready to be closed out and always
25 good to see things closed out of the CIP when they're done. And fourth, the Multiagency
26 Driver Track is almost done. I believe. There were some challenges with more rock and
27 water than they anticipated originally, as we pointed out in the Committee it's called
28 Rockville for a reason, and they are dealing with that additional drainage to complete
29 the project. It includes a building with simulators as well as the driver track itself. Total
30 cost is about \$5 million. It's close to being done if not quite done. Is it -- what's the
31 schedule? It's under construction, okay. Another few months? Okay, and the Committee
32 is recommending that be closed out in the CIP and those are the Committee's
33 recommendations on the joint projects of Fire and Police.

34
35 Council President Leventhal,

36 Okay. Well done, Mr. Chairman. Ms. Praisner.

37
38 Councilmember Praisner,

39 I support the Committee's recommendation but from a management of fiscal policy
40 perspective and looking at design of buildings and the process I'm kind of surprised to
41 hear that the program of requirements didn't include replacement of windows or since
42 you don't go into this building and we haven't been into this building for -- since
43 construction, and we are not going to go back again.

44
45 Councilmember Andrews,

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1 30 years probably.

2
3 Councilmember Praisner,

4 I'm surprised to see that the comment from our staff that the windows hadn't been
5 identified as an issue or had been identified by the departments but hadn't been
6 included within the program of requirements. So can someone comment on that. And
7 also, I was curious the Executive did not support including these items?

8
9 Unidentified Speaker,

10 The items were not included in the POR, they were identified later on during the design
11 as a suggestion that it would be energy efficient and issue it would be for the comfort,
12 But it was not included, you're right, in the POR.

13
14 Councilmember Praisner,

15 Martha, and the Executive doesn't support these items?

16
17 Martha Lamborn,

18 The Executive supported staying in the amount of money that we had.

19
20 Councilmember Praisner,

21 Okay. This gets back to the issue of what we do with the program of requirements, what
22 we do in facility planning, and how we go through the process either with the
23 departments of the occupant department of the building and what their understanding is
24 of what may be add subtracts to do or whether there are issues that are being looked at.
25 And since in any building that I can see of government we don't appear to go back again
26 two, three, four, five years later, it's a long-term issue, I really -- next time MFP talks
27 about facility planning with DPWT and OMB, I really think we need to discuss the
28 ground rules and the process as far as what departments say when they comment on
29 program of requirements and also what they then know are off the table or are adds that
30 might be included depending upon bids that come in. We just need to format this
31 differently so we don't get in the situation where something like windows -- where
32 obviously there's an issue associated with the conditions of parts of a building are left to
33 an add-on process.

34
35 Councilmember Andrews,

36 Chief, did you want to say anything? Okay, you're ahead.

37
38 Council President Leventhal,

39 Right. All right. So without objection, the joints projects of Police and Fire and Rescue
40 are approved by the County Council. We're now going to break for lunch. We will start
41 the public hearing in one hour at 1:45. The Fire and Rescue Service should expect that
42 we'll get back to your budget around 2:30. Okay. Thank you all very much.

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Council President Leventhal,
Good afternoon, ladies and gentlemen. This is a public hearing on a special appropriation to the Montgomery County Public Schools FY '06 Capital Budget for accessibility improvements at the Rollingwood Center in the amount of \$75,000. An Education Committee work session is tentatively scheduled for March 23rd at 9:30 a.m. Anyone who would like to submit additional material for the Council to consider should do so by the close of business Thursday, March 16. We have four speakers on this. Gabrielle Gandal, Wayne Goldstein, Aaron Kaufman and John Cunningham. Gabrielle Gandal, are you here? Please come up. And Mr. Goldstein, Mr. Kaufman, and Mr. Cunningham, please come up. Okay. Ms. Gandal, you may begin, please. Press the button in front of your microphone and state your name clearly for the record.

Gabrielle Gandal,
Mr. Chairman and fellow Councilmembers...

Council President Leventhal,
You have to press the button there. Right.

Gabrielle Gandal,
Oops, I did. It -- does it work now?

Councilmember Praisner,
Yes.

Unidentified Speaker,
It's not lit.

Gabrielle Gandal,
Oh, it's not lit. Okay. My name is Gabrielle Gandal, or Gabby. For the past 40 years, I have resided in the Rollingwood area of Chevy Chase. I thank you for giving me the opportunity to speak to you today on an issue of great importance to me and my Rollingwood neighbors. We appreciate your consideration of this bill and Councilman Silverman for introducing it. I am here representing the Rollingwood Citizens Association as its President and have been a member of its Board of Directors for the past 25 years. The Rollingwood Elementary School, of which I was a PTA President in the 1970s when my sons Matthew and Jonathan were in elementary school, was a true focal point for our community. All of us sent our children to this small racially integrated public school to which everyone could walk. When the school was closed by MCPS in the late '70s, it was a great shock and loss to all of us. However, the Rollingwood building has been leased to a series of private schools since that time. Each lease has contained a clause stipulating the building would continue to be used as our polling place and for civic meetings and activities. There is no other non-residential building in our community. There is a real feeling of commitment to this facility. My neighbors have a high level of civic interest and engagements, they want to participate. We regularly have amongst the highest voter turnout in the County. In 2003 we were informed the

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1 polling place would be closed due to a lack of accessibility but there was no other
2 building to which we could be moved. Having been an election judge for at least 25
3 years, I was not surprised to hear about the accessibility problem. I remember watching
4 frail, elderly women attempting to wield their husbands on the sloping overly-long ramp
5 into the only entrance with no stairs. It was an exhausting trip around the entire building.
6 I also remember so many elderly, in an attempt to avoid the ramp, walk out the door
7 near the ballot box and fell on either one of two staircases leading outside. They would
8 have been using canes or walkers or just walking on their own. We had numerous
9 accidents. Of course for the disabled, whether due to a temporary ailment, such as knee
10 or hip surgery, or a more permanent problem there was no choice but the long, dark,
11 sloping ramp. The fact that polling places in another precinct were available as
12 alternatives did not seem fair to those who look forward to meeting their neighbors and
13 visiting candidates at their lifelong polling place.

14
15 [BEEPING]

16
17 Gabrielle Gandal,
18 There could be no alternative for civic events and meetings were we just to exclude the
19 disabled and elderly from community life.

20
21 Council President Leventhal,
22 Gabby, we're going to need to have one more sentence from you now. If you have
23 written testimony, we will look at it.

24
25 Gabrielle Gandal,
26 Okay, you have it. Please pass this bill; it's the right thing to do.

27
28 Council President Leventhal,
29 Thank you for being here. Appreciate that. Mr. Goldstein.

30
31 Wayne Goldstein,
32 I am Wayne Goldstein, a former student at Rollingwood Elementary School.

33
34 [LAUGHTER]

35
36 Wayne Goldstein,
37 I would like to compliment first-time voter Aaron Kaufman, his family, and
38 Councilmember Steve Silverman for their efforts to bring forth this much-needed and
39 long overdue appropriation to make Rollingwood truly accessible to all. I have had the
40 pleasure of work alongside the exceptionally enthusiastic Mr. Kaufman at the polls on
41 several occasions. I am sorry I was not there to help with this latest lobbying effort,
42 because if I had known about it, I would have immediately joined in rather than
43 continuing to rely on what turned out to be the empty promises of others to solve the
44 problem. I was involved in the effort to stop the extraordinarily ill-conceived effort by the
45 Board of Elections to consider moving the Rollingwood polling place across Rock Creek

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1 to the Meadowbrook building in the flood plain of Rock Creek Park. I testified to the
2 Board of Elections on October 27th, 2003, on behalf of my parents, particularly my
3 father who used a wheeled walker for mobility. At that time my parents and I were
4 assured the Board of Elections would work out the details of requesting and getting the
5 accessibility improvements so that Rollingwood could continue to serve as the
6 community's polling place. After my father died four months later, I did not follow up on
7 what was happening with the project. I'm disappointed in what the Board of Elections
8 and the staff did in the last 29 months, but at least we are here today, thanks to
9 Councilmember Silverman. MCPS has been cavalier to a building it owns to make it
10 truly ADA accessible and the accessibility improvement should have been taken care of
11 many years ago and the minor repairs should have been fixed within hours or days of
12 notification. Once again, the County Council is the responsible adult of last resort,
13 fortunately willing to fix the large and small messes of other so-called independent
14 agencies. To paraphrase an official of one of the agencies, the Council must be more
15 activist and more assertive because these agencies are not doing their jobs and, for the
16 most part, are refusing to either admit or correct their failings. Thank you for your
17 diligent and kindly attention to this appropriation.

18
19 Council President Leventhal,
20 Thank you very much. Mr. Kaufman.

21
22 Aaron Kaufman,
23 President Leventhal and other distinguished members of the Council. I wish to thank
24 you for the opportunity to come before you today. I will be speaking with regard to the
25 supplemental appropriations bill offered by Councilman Silverman to make the
26 Rollingwood School Center fully accessible. I have been described as a political junkie.
27 I've been working on campaigns since I was 5 years old... At every election for the past
28 14 years, I have stood outside the Rollingwood School Center on election day working
29 for various candidates. 2006 will be the first time I will be able to go inside and cast my
30 own ballot. At least that had been my dream. Unfortunately, the building is not
31 accessible. Let me take a moment to describe the school. It has three doors, two of
32 which have stairs to reach and have more stairs once you get inside. The third, so-
33 called "accessible entrance," is around the back of the school. To get into it one must
34 walk from the parking lot to the door, which is approximately two blocks in distance and
35 is partially uphill. For a disabled person, the elderly, or someone with a condition such
36 as emphysema there is no accessible entrance. It's been suggested that the disabled
37 elderly or infirmed can go somewhere else to go. For me, this amounts to Jim Crow
38 voting, separate is not equal. I want to be able to vote in my community with my
39 neighbors, not relegated to some disabled person's polling place. While it might be ideal
40 to address the accessibility issues for all polling places in Montgomery County at once,
41 what I fear will result from that approach is that while we wait to fix all of them, none of
42 them will be made accessible. The Rollingwood School Center has been identified by
43 the Board of Elections as a top priority. I would hope it's also made a top priority by the
44 Council and that it approves the supplemental appropriations bill promptly so that the
45 necessary modifications can be made in time for the September primaries, and that my

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1 dream can come true. Finally, thank you, Mr. Silverman, for introducing this legislation
2 and thank you to all Councilmembers in advance for your support.

3
4 Council President Leventhal,
5 Thank you very much. Mr. Kaufman, we appreciate you being here. Mr. Cunningham.

6
7 John Cunningham,
8 Mr. President, members of the Council, thank you for the opportunity to be here. I'm
9 John Cunningham, I live in Silver Spring and I'm here to speak in support of the special
10 appropriation. I am a Democratic Area Committee -- Area Coordinator in the Silver
11 Spring/Chevy Chase area, not in -- Rollingwood is not in my area, but it's adjacent to it.
12 What I would like to do is give you some brief perspectives on the issues at the
13 Rollingwood facility based on my 33 years as a wheelchair user. I have amplified them
14 in my written remarks. Some time ago I joined a group at the school discussing possible
15 options to overcome the accessibility issues. The first thing that I did was to traverse the
16 route as if I were a voter arriving at the polls. After 33 years in a wheelchair I have pretty
17 good upper body strength. I could do it, but I was winded when I got to where the polling
18 place would be. By far the most striking challenge along the route is a very long stretch
19 of sidewalk that Mr. Kaufman -- thank you -- described. It traverses the entire width of
20 the school. Even if the -- to give some perspective -- even at the standard rise for ramps
21 as a ramp gets longer, it gets much more difficult, very quickly, very asthmatically. And
22 this is probably -- as I was talking about it, the second-longest ramp I have ever seen in
23 33 years. It is very challenging. For perspective, there is one shorter at the Forest Glen
24 Metro Station that I use for exercise. I can only imagine how challenging it is for
25 someone who is elderly or a wheelchair or walker-user after surgery or something that
26 has not gotten their upper body in condition. Frankly, though, the biggest concern that I
27 would have is not for those in wheelchairs, but elderly people, people with different
28 kinds of conditions that may not have wheelchairs or walkers to rely on or canes. As
29 they got up there and perhaps wouldn't appreciate just how challenging a rise that is, I
30 would think they could get in trouble very quickly. And, like I said, I would be more
31 concerned about that sort of citizen. And that area, I believe, is getting more elderly as
32 much of the County is. It's easy to think that for a few folks in wheelchairs or with
33 walkers it would be better policy -- better fiscal policy -- to ask them to cast absentee
34 ballots, go to another facility, or such. And, indeed, I used to cast absentee ballots
35 myself. Then I realized, like Mr. Kaufman, there is a lot more to voting than casting the
36 ballot.

37
38 [BEEPING]

39
40 John Cunningham,
41 I get information when I go to the polls. I like my politicians to understand that I vote,
42 that I'm one of their constituencies, and there is a far better way to do that than actually
43 be at the thing. I support the legislation.

44
45 Council President Leventhal,

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1 Thank you, Mr. Cunningham. Thank you all for your testimony. Mr. Silverman.

2
3 Councilmember Silverman,

4 Briefly, Mr. President. I want to thank everyone in the community for coming out and for
5 what I know has been a very long time trying to even get to this place. I also want to
6 thank the Dick Hawes from the school system, who has made it clear that if we do move
7 forward in this direction -- and this will go to the Ed Committee -- that they're going to be
8 able to get this thing done in terms of the primary. I understand there is a review going
9 on of other polling places and if there are any other polling places where there is
10 accessibility issues that can't get resolved within the confines of a precinct then we
11 ought to expeditiously move in that direction as well. But I introduced this because of
12 the unique nature that folks would be forced out of their own precinct to go somewhere
13 else, and I don't think that is right. And I want to thank Aaron for being a political junkie
14 and his dad, too, is here. Thanks.

15
16 Council President Leventhal,
17 Ms. Praisner.

18
19 Councilmember Praisner,

20 Yes, thank you. Gabby, it's good to see you. It's been over 45 years, I think, since I
21 house-sat on Thorn Apple, so -- in my other life.

22
23 Gabrielle Gandal,
24 Right.

25
26 Councilmember Praisner,

27 Good to see you again. Aaron, thank you very much. Thank you, Wayne. Thank you Mr.
28 Kaufman. I wanted to report that the Management and Fiscal Policy Committee,
29 because we have jurisdiction over the Board of Elections, did have a discussion of this.
30 And I want to make folks clear that the Board of Elections has not been opposed to
31 doing any improvement. They just don't have a budget of their own and the building is
32 owned by the school system. So, you have this complexity which requires a
33 supplemental. Quite honestly, I'm not sure why the school system couldn't have started
34 to move on this, but the problem is that given the ADA requirements, I think that there
35 have been in the past others who have indicated that there are precincts that -- where
36 accessibility is an issue, and given the potential legal challenges associated with not
37 having precincts accessible. No one is suggesting, Aaron, so -- if you were given an
38 impression that looking at other precincts meant that this would not be done, that is not
39 the fact and whoever gave you that impression was incorrect. But I agree with you.
40 Separate isn't equal and there are other precincts where there are accessibility issues
41 and we have a legal responsibility to equally address not only the issues at Rollingwood
42 but also the issues that someone who may not have had the wherewithal and the
43 strength to endure the length of the time that it's taken all of you to bring this issue to the
44 Council -- may not have had the capacity to do that. So, the Board of Elections will be
45 coming back to the MFP Committee next week, I believe, for a preliminary discussion of

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1 the status of other precincts and what may be needed in other precincts. Some of them
2 have a challenge associated with them because they're not government buildings. And
3 so the capacity of a County to impose on an entity such as a church that it must make
4 modifications to its building in order to accommodate an election may mean that we
5 need to look at that issue over a longer period of time, or may mean that we have to
6 explore whether there are other polling places and if not, what kind of discussion we
7 could have with the property owner. But, the Committee's conversation was not about
8 not moving forward on Rollingwood. It was a conversation about wanting to make sure
9 that we were treating everyone in the separate precincts as much as possible equitably
10 from a standpoint of access. There are no funds other than County funds to provide this
11 assistance. If it is a County building it's a little easier. If it's another agency building, it
12 requires appropriating the money to them. If it's a private sector building I am not sure
13 what we do, but we're going to have to work through that. But unfortunately, the Board
14 of Elections doesn't have a pot of money to do modifications to polling places, so we're
15 going to have to look at all those options and move forward with it. But this will come to
16 the Education Committee because it's money to the school system, but we will continue
17 to look at the other precincts as well. And anyone who might be watching who thinks
18 their precinct has a problem should make sure we're aware of it. Thank you.

19
20 Aaron Kaufman,
21 Thank you, Councilwoman Praisner, and it's long been known that Marilyn Praisner is a
22 friend of people with disabilities.

23
24 Councilmember Praisner,
25 Great, very good testimony, we appreciate it. We look forward to passing the special
26 appropriation. Good to have you here. Thank you.

27
28 Council President Leventhal,
29 Our next agenda item is buried under a couple of folders here. Our next -- Agenda Item
30 13 is a public hearing on Zoning Text Amendment 06-06, which would amend the
31 zoning ordinance to clarify the motor vehicle off-street parking standards for lots
32 reclassified from the RE-200 zone to the RE-1 zone, provide amortization period for
33 certain uses on certain lots, and generally amend the provisions for off-street parking of
34 motor vehicles. Anyone who wants to submit additional material for the Council's
35 consideration should do so before the close of business on March 24th. The Planning,
36 Housing, and Economic Development Committee is tentatively scheduled to take up this
37 ZTA on April 3rd. Call 240-777-7910 to confirm the date and time. We have two
38 speakers on this Zoning Text Amendment, Mr. Greg Russ and Mr. Ray Ammon. Mr.
39 Russ, please proceed. Please state your name clearly for the record.

40
41 Greg Russ,
42 Thank you, Mr. President...

43
44 Council President Leventhal,
45 Is that work something is that mic work something.

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Councilmember Praisner,
Yeah, the light's on. That one's -- yeah, it's working.

Council President Leventhal,
Okay. Okay.

Greg Russ,
For the record, Greg Russ from the Montgomery County Planning Board. The Montgomery County Planning Board reviewed Zoning Ordinance Text Amendment number 06-06 at its regular meeting on March 9th, 2006. The board recommends the proposed text amendment be approved as submitted. The major reason for the amendments from the parking of more than one commercial vehicle on lots zoned RE-1 that were previously zoned R-200 with the lot size remaining those of the R-200 zone. As such the lots are too small to accommodate off-street motor vehicle capacity as permitted in the RE-1 zone. The Board acknowledges that there are sometimes unintended impacts that result through implementation of master plan or sector plan recommendations and therefore recommends approval of the proposed strategy to minimize these consequences by requiring that the off-street parking standards that were in place prior to the rezoning to RE-1 be reinstated within a one-year period of adoption of the text amendment for those properties that don't meet the minimum lot size requirement of the RE-1 zone. I will be happy to answer questions you may have. Thank you.

Council President Leventhal,
Thank you, Mr. Russ. Mr. Ammon.

Ray Ammon,
Mr. President and members of the Council, my name is Ray Ammon. I reside at 15313 Durant Street in Silver Spring. I have been -- since 1972 I have been resident of Good Hope Estates. I'm representing the Good Hope Estates Civic Association in an action pending before you today, Zoning Text Amendment 06-06. Before I go any further, I want to give you a general idea for those who have no idea where Good Hope Estates is. This is New Hampshire Avenue. If you can see it, this is New Hampshire Avenue. This is Briggs Chaney Road, this is 198 and we're smack in the middle of it. We're here today asking that you correct a zoning issue in the Good Hope Estates subdivision that existed since 1981 master plan and reaffirmed in 1997 master plan. In 1981, Good Hope Estates zoning was changed from R-200 to RE-1. Why, I can only speculate. From all of the information I could gather it appears the designers of both the '81 and the '97 master plan were attempting to protect Paint Branch Stream. However, in doing this it has created the adverse condition within a community by allowing a larger number of off-street parking of commercial vehicles. The RE-1 zone allows up to three commercial vehicles parked off-street, while the correct R-200 would only allow one vehicle. Because of the current zoning, contractors, landscapers, towing operations, and roofing contractors are working out of their homes bringing a stream of employees

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1 and day workers into our community. This has begun to affect the overall appearance of
2 the neighborhood as well as safety concerns. Several home owners made attempts to
3 report this excessive activity but have been informed by the zoning -- by Zoning that this
4 is illegal under the existing one-acre zoning. All we want to do is go back to the R-200.
5 This will return our community to the -- as it was originally intended residential. In the
6 packet, you have a street map showing the impacted area, you have information from
7 the 1981 Eastern Montgomery County Master Plan showing the zoning change. Partial
8 subdivision plan showing existing lot sizes and a 1997 Cloverland Master Plan showing
9 the RE-1 zoning. If you have any further information, I'll be glad to answer any
10 questions. Thank you Ms. Praisner for helping us with this.

11
12 Council President Leventhal,
13 Great, we appreciate the testimony very much. I don't see any questions, I look forward
14 to working with you on the ZTA.

15
16 Ralph Wilson,
17 Could I just ask if we got a copy of that packet for the file or did you just give it to the
18 Councilmembers?

19
20 Ray Ammon,
21 I gave 15...

22
23 Council President Leventhal,
24 Okay.

25
26 Ray Ammon,
27 I gave 15 copies to someone.

28
29 Ralph Wilson,
30 Okay. Thank you.

31
32 Councilmember Praisner,
33 Do you need another copy?

34
35 Council President Leventhal,
36 We have copies. We have copies, Ralph, we'll make sure you get one. Thank you,
37 Ralph. Okay.

38
39 Councilmember Praisner,
40 They're all by Nancy.

41
42 Council President Leventhal,
43 Okay, here we go. We are now in a public hearing on a supplemental appropriation to
44 the Montgomery College FY'06 Operating Budget for a Germantown biotechnology
45 project in the amount of \$500,000. Action is scheduled following the hearing. There are

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1 no witnesses. Do we have a recommendation from the Education Committee, Chairman
2 Subin?

3
4 Councilmember Subin,

5 We didn't get that, it's federal funding, we normally approved it. It's part of the project
6 that's looking at local funding, federal funding, and private sector funding as part of the
7 Biotech Park to be located on the campus, not simply to provide classroom space which
8 is sorely needed up there, but to work in conjunction with the Biotech Business Park
9 that everybody's hoping gets located around the campus.

10
11 Council President Leventhal,

12 Great, those in favor of the supplemental appropriation will signify by raising their
13 hands.

14
15 Councilmember Praisner,

16 Do you need a second?

17
18 Council President Leventhal,

19 I guess we need a second because the Committee hasn't recommended it.

20
21 Councilmember Praisner,

22 Okay, I'll second it.

23
24 Council President Leventhal,

25 Mr. Subin has moved and Ms. Praisner has seconded the supplemental appropriation in
26 the amount of \$500,000 to the Montgomery County Operating Budget funded by federal
27 grants. Those in favor signify by raising their hands. It's unanimous among those
28 present. Excellent. We now return to the CIP. I see that WSSC is here to discuss their
29 CIP request. And why don't we jump ahead to the WSSC request? We'll return to Fire
30 and Rescue when the Fire and Rescue Service folks get here. Chairwoman Floreen.

31
32 Councilmember Floreen,

33 Thank you, Mr. President, and I welcome Commissioner Aaron Allen -- Sandy Allen,
34 and our new general manager, Andy Brunhart to the table. Did you want to make any
35 preliminary comment? We need Keith.

36
37 Unidentified Speaker,

38 [INAUDIBLE] squawk box.

39
40 Councilmember Floreen,

41 We still need Keith.

42
43 Andy Brunhart,

44 [INAUDIBLE] I'll just do a real brief...

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1 Councilmember Praisner,
2 You need to introduce yourself.

3
4 Andy Brunhart,
5 I will. I'm Andy Brunhart, General Manager of WSSC. And as was mentioned by
6 Councilmember Floreen, Commissioner Sandy Allen is with us, so is our Chief
7 Engineer, Joe [Surika], and of course you know from long stand, our CFO, Tom Draper.
8 Good afternoon, we're before you for the '07-'12 CIP, we had a previous meeting with
9 the T&E Committee. Keith always does a marvelous job and we're here to answer
10 questions after the presentation. So be it my remarks.

11
12 Councilmember Floreen,
13 Excellent. Excellent. Well, let me just -- Keith will be here momentarily if the Council has
14 questions, but you can see we're on Agenda Item 15. There are not a lot of surprises in
15 this budget. You will see that WSSC is overall recommending an increase of \$96 million
16 or 14.7% in the -- for their six-year CIP. The biggest changes are the addition of some
17 enhanced nitrogen removal projects, reductions in the Blue Plains Project costs, and
18 some updated project costs for the Potomac Bi-County Supply Main and it also includes
19 inflationary increases of 4%. Bottom line, there has been some adjustment in the PDFs
20 for Blue Plains, that break out the Environmental Nutrient Removal System at Blue
21 Plains and so that it's separate from the main Blue Plains project. Is that a correct
22 statement, Keith?

23
24 Keith Levchenko,
25 Yeah, that -- the idea is to break the costs out. As they accumulate over the years, we're
26 going to want to claim those towards the state money that's available.

27
28 Councilmember Floreen,
29 The WSSC estimates about 36% of their total expenditures in the next six-year period
30 are needed to accommodate growth and as you may recall the major funding sources
31 are the System Development Charge, rate supported bonds for projects begun before
32 '93, direct developer contributions, and payments by applicants. WSSC is proposing to
33 maintain current rates, but to increase the maximum chargeable rate. Both the
34 maximum rate and the adopted rate will be included in our rate resolution for the
35 System Development Charge. With respect to the enhanced Nutrient Reduction
36 Projects, WSSC has basically included five new protect judges totaling \$107 million or
37 14% of the CIP intended to bring five wastewater treatment plants up to the standard.
38 The assumption is that this will be paid for with flush tax dollars. We shall see what
39 happens in Annapolis. But we are recommending approval of these projects as
40 proposed. Beyond that, the Committee will just note that the work is proceeding on the
41 Potomac Submerged Channel Intake Project, the Potomac Reliability Water Quality
42 Project, the Potomac Bi-county Supply Main, and the Laytonsville Elevated Tank
43 Pumping Station. These projects are in design largely and study and are moving
44 forward. Basically we're -- the Committee is concurring with WSSC on all these projects
45 as does the County Executive, basically. We will review the Potomac Submerged

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1 Channel Intake project once the feasibility study is completed. We will see what
2 happens with the enhanced Nutrient Reduction projects depending upon funding
3 decisions. And we also recommend adding the Twinbrook Commons project to the
4 WSSC CIP. I believe that's, that is developer-funded. So that is the WSSC Capital
5 Improvements Program in a nutshell.

6
7 Council President Leventhal,
8 Thank you, Madam Chair. Ms. Praisner.

9
10 Councilmember Praisner,
11 I have a question about the flush tax issue. Seems to suggest there is a doubt about
12 getting funding and that wasn't my recollection of the conversations between MACO and
13 the Department when we were talking about it. So do you have -- is there a significant
14 concern that it would not be approved or what is the status?

15
16 Andy Brunhart,
17 The significant concern at the moment in dialogue is that MDE has a question about
18 funding Western Branch ENR upgrade, which is shown in packages up to \$70 million.
19 We're in dialogue with them -- still in dialogue. The last touchpoint within the last three
20 or four weeks is pessimistic.

21
22 Councilmember Praisner,
23 Because it was not in the list of upgrades that they assumed would be funded with the
24 from the money from the flush tax or it doesn't meet the criteria?

25
26 Andy Brunhart,
27 It's on the list. The argument is at the present time, we have been too successful.
28 Meaning at the present time, Western Branch achieves three milligrams per liter, which
29 is the new regulation lower limit. However, it's a 30 MGD plant and we're operating at
30 about 22 MGD -- million gallons per day. And as capacity is taken and the volume goes
31 up to capacity we're no longer going to be able to achieve the new limit. So it's a Catch
32 22 argument: it's true today, it's false tomorrow. That's the tension point at the moment.

33
34 Councilmember Praisner,
35 Thank you, that's very helpful. Well...

36
37 Council President Leventhal,
38 Mr. Knapp.

39
40 Councilmember Floreen,
41 Not here.

42
43 Council President Leventhal,
44 Oh, he's gone. Well, his light is still on.

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1 [LAUGHTER]

2
3 Council President Leventhal,
4 Okay. Well, I guess we're ready -- Ms. Floreen, did you have anything to add?

5
6 Councilmember Floreen,
7 I just wanted to commend the commission and our commissioners for their hard work on
8 our behalf. I know that they face a variety of challenges there and we certainly think
9 they're doing a remarkable job with great patience and spirit and hard work and we're
10 really very proud of our collection of commissioners. So, Sandy, if you would convey
11 that to Stan and Mark for us we'd appreciate that.

12
13 Sandy Allen,
14 I'll certainly convey and they asked that I mention they send their best and regret not
15 being able to be here. We do try to cover for one another and competing on priorities
16 but we're proud to continue to serve, and we will continue to serve with fortitude,
17 resolve, and integrity.

18
19 Councilmember Floreen,
20 Thank you.

21
22 Council President Leventhal,
23 Excellent. Okay, is there any objection to adoption of the WSSC CIP as approved by the
24 T&E Committee?

25
26 Councilmember Praisner,
27 I want to comment.

28
29 Council President Leventhal,
30 Ms. Praisner wants to comment.

31
32 Councilmember Praisner,
33 I am going to support it now but I may not in the future, depending on the absence of all
34 of the great qualities, not from our commissioners, but from elsewhere.

35
36 Councilmember Denis,
37 Joe [Nahey]

38
39 Council President Leventhal,
40 Okay. Hearing no objection, the WSSC CIP is agreed to. We will now -- is Montgomery
41 College ready to go? No? Is Chief Carr ready to go?

42
43 Councilmember Praisner,
44 Chief Carr's got a phone in his ear.

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1 Council President Leventhal,
2 Can you go by yourself, Chief, or do you need anybody else with you?

3
4 Councilmember Praisner,
5 He can go by himself.

6
7 Council President Leventhal,
8 Ready to go? Let's go. Fire -- go, Fire, go, Rescue! Thank you. Okay, Mr. Knapp.

9
10 Councilmember Praisner,
11 Did you still have a flashing question?

12
13 Councilmember Knapp,
14 I know I did, I was just going to say thank you, so it's okay.

15
16 Council President Leventhal,
17 Okay. You can still say it.

18
19 Councilmember Knapp,
20 As WSSC goes away, I just wanted to thank you for your efforts in Laytonsville and
21 working with the Montgomery Village community on their various concerns in the North
22 Village.

23
24 Council President Leventhal,
25 Okay, Mr. Knapp.

26
27 Councilmember Knapp,
28 Thank you, Mr. President, Fire and Rescue. Before we actually jump into the CIP, I
29 wanted to have Chief Carr take a minute and talk about a situation that occurred in
30 Clarksburg last Friday that is with the -- the County was actually very successful, MCFS
31 was very successful in addressing primarily because of the Council's efforts in funding
32 the interim Fire Station in Clarksburg last year. As a result of us having done what we
33 did, Fire and Rescue was able to do some outstanding work in saving probably almost
34 an entire block of the community, the new community in Clarksburg. And so I just
35 wanted Chief Carr to run us through that quickly because it ties directly into our CIP
36 activities.

37
38 Chief Tom Carr,
39 Thank you and I'll run through the PowerPoint very quickly. Last Friday, as Mr. Knapp
40 said, we had a serious incident in Clarksburg. As a result of there being a fire station in
41 Clarksburg had a significant impact on the outcome. \$100,000 structure loss, as well as
42 \$30,000 of contents loss and personal property loss caused by an outside electrical
43 lamp, a pretty typical cause of a fire and certainly nothing unusual there. What is
44 remarkable is that we saved probably \$1.5 million in property damage and personal
45 belongings loss. And certainly we're sure that we saved two additional homes, as well

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1 as five garages in this community. And we could surmise with some of the modeling we
2 have done that we probably or could have very easily saved over \$3 million in structure
3 with the edition of two additional full homes and eight additional garages, for a total of
4 four homes and 13 garages. This was as close to a conflagration as it gets. And once
5 we get into that conflagration environment, who knows what the impact is? Certainly the
6 construction had an impact on outcome, lightweight construction, that's the type of
7 construction we see in that community and most new communities. Also external
8 combustible materials that are quick to ignite when they in proximity to heat and
9 certainly that's an impact, and then sprinklers, some of the structures were sprinklered.
10 There were three homes that had some damage, at least one of them was sprinklered,
11 the one that received the most severe damage was not sprinklered. And I think the
12 important point here is sprinklers are not the end-all, be-all, but they certainly protect
13 lives, save lives, and limit property damage. Not a big factor in this particular case.
14 Access, water supply: Two environmental factors that we talked about, a good bit in the
15 Upcounty area. Access was not a significant issue. This was a mews-type of
16 development. It was a confined space as far as getting into the community. But we were
17 able to with good preplanning, get in and have adequate access. It was a -- of course, a
18 tight space. Water supply was not an issue, WSSC did a good job, we had hydrants as
19 required in that area. I will note the time of day was an issue, it was the middle of the
20 day -- late afternoon, actually, if that had been at night it would have been probably
21 much more catastrophic and may have led to injury or loss of life. In fact, the occupant
22 of the structure that was most significantly damaged had a deaf child and it took
23 neighbors quite an effort to alert the child and to rescue that child or remove the child
24 from the house. The outcome was good. Certainly the 3:00 a.m. scenario might have
25 been different. The fire spread from building to building and ultimately, we had nine
26 structures that had some damage and four structures with significant damage
27 contributing to zero lot lines, certainly has an impact in fire spread and was a concern,
28 as we know. Fire doubles in size for every minute that it burns and that directly leads to
29 the impact of the Clarksburg Fire Station, and if you remember last Friday, a very windy
30 day. Fortunately the winds had subsided to some extent prior to the fire occurring. Most
31 remarkably, engine 351, the engine in Clarksburg arrived the scene in four minutes. The
32 next unit after that four-minute arrival arrived at 12 minutes and 26 seconds. If that fire
33 had gone unchecked for that additional 8 minutes and 10 seconds, we are certain we
34 would have at least lost two additional houses as well as untold member of garages, so,
35 huge impact. We're sure of that, we've done modeling and absolutely know that we've
36 had an impact there I can't say strongly enough. The ladder truck service is something
37 we're concerned about. The first ladder truck arrived in 11 minutes, the second ladder
38 truck arrived in 13 minutes. The standard is 8 minutes, we didn't meet the standard.
39 Didn't impact outcome here. Certainly made the folks operating on the scene operate
40 more aggressively, but the outcome, I believe, was the same as it would have been.
41 And that partly is due to four-person staffing. As you probably remember Station 35 is
42 the first station with four-person staffing. We were able to deploy three hose lines
43 simultaneously. and as a result of three hose lines being deployed simultaneously, we
44 were able to surround the fire and limit the extension. And these folks, where normally a
45 hose line is not deployed by one person, they were able to do that and absolutely check

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1 the spread of this fire. I can't say strongly enough, you know Clarksburg and they're
2 tight confines and it absolutely had an impact on outcome. Certainly our -- a couple of
3 concerns, the first due truck I mentioned being eight minutes, eight minutes and 10
4 seconds after the initial engine, that's a concern and also command officers during the
5 day it's a struggle. As you may recall we have been focused on the last couple years
6 developing a sixth battalion up that way. It was 18 minutes before the first command
7 officer arrived on the scene. Essentially all the heavy work, the decisions, the focus on
8 the safety of the personnel, all of that was taken care of when they arrived on the scene.
9 I certainly have concerns about that. And part of that was the Fifth Battalion, which is in
10 Gettysburg, was committed on a serious incident in Gaithersburg, and that's not
11 unusual. Just very quickly, there's a couple of fire factor spreads that I lay out there and
12 I'll just skip that page. The next pages show you some of the damage and the first
13 picture I would just call to your attention the proximity of the garage fully destroyed or
14 fully involved there to the garage next door which was heavily damaged, but, in fact, the
15 fire was checked there. And then in the background the house, that's 18 feet from the
16 garage and we have pretty significant fire in the attic of that house to give you some
17 concept of the proximity, that 18 feet, the fire transmitted -- the heat transmitted into the
18 house and did significant damage. In fact, that house is not occupiable and those folks
19 are staying at the Residence Inn in Germantown. The rest of the pictures tell the story.
20 You can see the significant damage. Again, this lightweight construction, it's of concern
21 and we have to have the right resources in place if we're going to be successful in
22 combating these types of situations and avoid the conflagration situation. That's where
23 we are, Station 35 had huge impact on outcome, four-person staffing had huge impact
24 on outcome, concerned about the truck service and the amount of time and concerned
25 about our command officer coverage. Thank you all very much for your support.
26 Certainly, certainly this was a positive outcome.

27
28 Councilmember Knapp,

29 Thank you, Chief Carr. I wanted to thank the Council for the leadership last year in
30 helping to get this done, because here, in a short time period, we identified this was an
31 issue and within four months of having this open, the situation we all feared presented
32 itself and as a result of the resources there, it was quickly addressed and had the
33 outcome -- as good an outcome as we could have. I thank the Fire and Rescue Service
34 and my colleagues for helping to make sure this got funded. With that, the Public Safety
35 Committee's recommending as are before you for the CIP. Briefly, as an overview, in
36 the '07 to '10 time period, the Executive recommends the CIP totaling \$74 million, which
37 is \$21 million or 39.8% increase over the \$52.9 million approved in the CIP from FY '05
38 and '10, much of the cost in the broader conversation with the Council and OMB were
39 attributable to looking at cost increases and also moving from -- the whole element of
40 looking at planning and design and construction. And so you will see cost increases that
41 are significant as OMB has tried to factor in all of those additional elements moving
42 forward. You can see a summary of the projects on page 3 and I was going to run
43 through them briefly. If you have questions, feel free to stop me. One of the biggest
44 issues we have set -- moving to page 4 -- looking at new stations and station
45 relocations, since we have a number of stations needing to be built, the question came

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up is there a way for us to identify some economies of scale to do some piggybacking, either coming up with a single model, a prototype to use for additional stations or looking at our contracting process or procurement, a variety of things. And we've been working with DPWT and Fire and Rescue and OMB and look for ways to expedite things. There was no specific way identified, but one of the things we're doing with all the groups I talked about is having regular updates every four to six weeks as these four new stations are moving forward and the various other construction projects are moving toward to have a better understanding of how the projects are being managed and identify any issues that may come across that we can use to look to expedite these projects or additional projects in the future. Moving into specific stations themselves, we looked at trying to move money around to see if there were ways to accelerate through the PDFs. The reality was all the projects are moving ahead as expeditiously as we can do. We have money in the right years and our biggest encouragement was to just ensure that the projects were moving as quickly as possible, since once we've appropriated the funds things can move as quickly as necessary. Looking at Clarksburg on page 5, you can see there is a significant cost increase. On the positive element about Clarksburg is that at the beginning at the end of March, the next station -- the interim station right now we're in the temporary interim station in Clarksburg, and the interim station will be opened at the end of this month, which effectively provides full functionality for the Clarksburg community. I believe there are additional resources that will be added, but for the most part we have what we need on the ground as of the end of March, if I'm correct there. Is that right, Chief?

Chief Tom Carr,
That's correct. We open April 2nd.

Councilmember Knapp,
Minna had identified one change to the PDF on Circle 11, in the PDF at the project description at the end of the paragraph it includes language that says it including an EMS Unit engine. The Committee discussion recognized that we didn't do that and those two pieces were to be pulled out. Is that accurate, Minna?

Minna Davidson,
Yes.

Councilmember Knapp,
Okay, so I'll just ask people make a note of the correction of the PDF itself. Other than that, we approved as the County Executive had recommended for the Clarksburg Fire Station. The other big issue that's there is this land acquisition and things are moving as expeditiously as possible. Questions on Clarksburg? All right, the next recommendation is East Germantown Fire Station. The East Germantown Fire Station land has been acquired and the RFP has been issued, I believe, and so that's moving forward as well. We will hear about that in the upcoming Committee at the end of the month, hence the status of that. Again, the Committee recommended staying with the County Executive's recommendations. Good. The only other issue to raise there is the question of

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1 Germantown Station 29, which is being looked out, how do we also continue to be in
2 service, providing additional service to the Upcounty as the other two fire stations are
3 opened. Travilla Fire Station, again, additional cost increases, the big issue with it is to
4 make sure it continues to have good coordination with the PSTA as its efforts continue
5 to be addressed to make sure one doesn't severely impact the other, as both projects
6 are important and need to move forward; no issues there. West Germantown Fire
7 Station, I know there is a community meeting next week, a mandatory referral. That
8 project is moving forward. The Committee stuck with the recommendations as outlined
9 by the County Executive. All right, Wheaton Rescue Squad recommendation, the issue
10 that we had addressed here was there are, as I identified in other projects, cost
11 increases, but this project is shared 50/50 between the County and the LFRD. And we
12 just wanted to ensure that the LFRD was in a position to accommodate the cost
13 increase as far as we could understand from the Committee's discussion they're in a
14 position to move ahead and that's fine as well. Burtonsville Fire Station. This had been
15 put in the way out years, when we did this two years ago, and they looking for a
16 relatively -- while important, a relatively minor improvement to the station, this has been
17 accelerated in the County Executive's CIP, and again, there's a cost increase but this is
18 a good step forward to get this on track. They don't have the facilities there and so we
19 were pleased to see that.

20
21 Councilmember Praisner,

22 From my perspective this is an example where, I guess, we should have worked more
23 aggressively with the volunteers in the building of the building. Such that knowing the
24 history of this corporation and the significant number of volunteers, the absence of a
25 meeting room and the absence of adequate space for folks who live at the site is
26 causing the problem. And they have been making makeshift alternatives work for longer
27 than they should. And it does speak to both the template of working with where there is
28 a shared partnership as there was with Sandy Spring and now will be with Wheaton,
29 having some kind of a template. It speaks back to the discussion this morning about
30 program of requirements and what is contained. I know that site is a limited site. but
31 given the location and given the absence of space in that area, we're now playing catch-
32 up, and it's a problem.

33
34 Councilmember Knapp,
35 Right. No, it is, it is.

36
37 Councilmember Praisner,
38 I thank the Committee.

39
40 Councilmember Knapp,
41 Thank you. Moving along, Cabin John Fire Station, in both Cabin John and I believe
42 Glen Echo, correct me if I'm wrong. Minna, there was rescoping of the projects here
43 between both MCFRS and the LFRDs that require us to go back and make sure what is
44 being proposed was sufficient. Each of these has been put into the out years of the CIP

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1 to ensure that we actually, to Ms. Praisner's point, get the right scope put forward as we
2 try to move forward with the appropriate cost estimates.

3
4 Minna Davidson,
5 Cabin John was an existing project that's being rescoped, Glen Echo is actually a new
6 project.

7
8 Councilmember Knapp,
9 Okay, and the Committee concurred with the County Executive. Takoma Park Station 2
10 replacement continues to be an ongoing saga, but I believe we continue to be making
11 progress. It always seems to be going more slowly than anyone would like there
12 because there's a lot of coordination between the private property owner, the city, and
13 the County. And I believe all of the pieces continue to move forward, but the difficult
14 here is that each next step is dependent upon the previous step. And so I think we're
15 getting the property owner taken care of, which will then allow us to move forward with
16 the city and then ultimately to make the renovations that are necessary. And so the
17 Committee concurred with the County Executive's recommendation. Moving into the
18 category projects on page 13. One of the issues that we had as a challenge was trying
19 to get a sense what have has been accomplished during the course of the last two
20 years. And as we -- as the Committee explored this the challenge there is that there
21 hasn't necessarily been as much progression as we would have liked, for various
22 reasons. And the Committee is going to -- was a little disappointed because these are
23 important projects. He's going to be working with MCFRS to get a better understanding
24 about how these cross-cutting projects are being addressed and being scoped so we
25 can monitor on a regular basis. But really it kind of cuts across all the issues. We didn't
26 have any disagreements from what the County Executive proposed for any of these. Am
27 I missing anything, Minna?

28
29 Minna Davidson,
30 No. We didn't recommend any changes.

31
32 Councilmember Knapp,
33 Good.

34
35 Councilmember Praisner,
36 Okay.

37
38 Councilmember Knapp,
39 And then you can follow it all the way through. There are a couple of projects for
40 closeout that are straightforward, which you see it on page 20, that we have addressed
41 and then the notion of facility planning is one that is going to be important. I know both
42 in the Upcounty, the East County and looking as we are for the redevelopment
43 opportunities throughout the County, the challenge of doing long-term planning to
44 understand what are the requirements for MCFRS going forward is going to be
45 important. And Chief Carr has raised this in an operating budget context to make sure

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1 we have the resources to do the appropriate planning so we really know what our needs
2 are. As we address upcoming CIP that we are really addressing all the issues that need
3 to be on the table, not just those things on there before.

4
5 Councilmember Praisner,

6 I had a question about that. You said Upcounty/East County. But the facility planning
7 projects listed on page 20 included in the facility planning talked about Aspen Hill and
8 Kensington/Laytonsville, which are existing in Shady Grove. Do you have a generic
9 East County language that is associated with the new station item or...

10
11 Councilmember Knapp,
12 No, we...

13
14 Councilmember Praisner,

15 But my point is, Chief Carr and I had conversations. I assume others have as well about
16 needs in the East County, so I just didn't want a facility planning discussion not to
17 include that from that perspective.

18
19 Councilmember Knapp,

20 No, that's the point. The discussion we had was with MCFRS has been they don't
21 necessarily have the resources to even get to the point to make sure it's on the list.
22 Many of the things identified here are things that have already been existing. And while
23 they are important, they're by no means inclusive and we need to make sure we have
24 the resources there to make sure we have a comprehensive list.

25
26 Councilmember Praisner,

27 Okay. All right. That's fine. I see no other lights. I only had one comment. I would like to
28 go back to this document and request that you do the same kind of briefing either
29 informally or formally for a staff at the Planning Board and the Planning Board so that
30 they understand the implications of some of the design reviews that staff look at from an
31 unintended consequence perspective.

32
33 Chief Tom Carr,

34 Absolutely. It's a great thought. We'll do that.

35
36 Councilmember Praisner,

37 I don't see any other lights and unless there is an objection, the Fire Department budget
38 is approved. Let's go to Montgomery College. The College is here, Mr. Subin, are you
39 ready?

40
41 Councilmember Subin,

42 Thank you, Madame President, staff from the College is here. Mr. Campbell is present
43 and I'm sure ready to answer any questions the Councilmembers may have. Page 4 of
44 the staff packet is a summary of the numbers of the College's request both for the six-
45 year's and for Fiscal '07. The six-year request that the College has made has gone up

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\$277.9 million to \$513.5 million and represents 43 projects, 23 of which are new. The '07 request is up \$23 million to \$55.3 million and does represent the projects that were in the '05 to '10 amended CIP and the 20 new ones and the planning in the out years as a percentage of SAG, the College is requesting 9.1% of the bonds. The County Executive is recommending 8.9%. There are three issues that are driving the College's request: one is enrollment; two, the condition of the facilities; and three, the master plan. I'll get into two and three after I go over enrollment, but they are directly related to each other. As Dr. Nunley has been stating for several years now, the enrollment at the College is pressing the maximum, given the facilities they have on all three campuses. It used to be there would be questions of why can't students move from one campus to another and, of course, the answer to that in the past was the typical Community College student is not that mobile. They need to get on, they need to go to class, and they need to get off. So going from campus to campus is not necessarily an option that they have. Even at that, we can't get to that option today, because there is no room at any of the campuses. As staff has pointed out, Dr. Nunley did chair a statewide task force for the University of Maryland system. And what they have stated is that by the year 2011, the demand for Community College education is expected to increase by 61% statewide. Of course, due to a number of factors, one, the general population, and two, the fact that the state four-year universities are having tougher and tougher entrance requirements. And so those youngsters are deciding to come to the state Community Colleges rather than go outside the state. And we are seeing that happen here. Germantown is expected to see a 40% increase in the net usable space, Rockville another 11% in its net usable space and that is an increase on top of there is no room to do anything at Rockville. Enrollment at Takoma Park is expected to increase by 46% but, of course, the Council's approval of the second half of the Takoma Park campus means that there, there is relief in sight for Takoma Park. Germantown, as we heard earlier, is slated to get the bioscience center. That should in the short-term, at least, provide significant relief. On the facilities assessment, we have looked at that. A company called VFA came in and 2002 to do an assessment and what they said was the following: The net value of all the facilities is roughly \$282 million. And according to some industry analysts, that should equate to a 5% annual maintenance cost. That would be \$14 million a year. We're nowhere near that. VFA also estimated the cost to fix the three highest priorities would be \$26.4 million. And to fix the two of the five remaining priorities would be another \$31.4 million. What the College did after looking at that assessment of the facilities was came in in December of 2003 and provided a master plan to look at all three campuses. And what we're seeing now is the reason that there are the 20 additional -- 23 additional buildings in the six-year CIP as opposed to two years ago. What is proposed to happen if the College were to have all of its requests approved would be that all the new buildings would be built within the next six or seven years. The students would move out of the existing buildings, the renovations and modernizations of the buildings would occur, and then those buildings could be opened back up so that the room would be available for all of the additional students and to accommodate the needs. We talked about ADA compliance earlier with the elementary school and the Elections Board. There is a request by the College to spend

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1 \$50,000 a year and the Committee has agreed with that. We can, Madame -- no?
2 Shifting gender in the chairs here. Mr. President, what we can do...

3
4 Council President Leventhal,
5 Would you like some tea, Mr. Subin?

6
7 Councilmember Subin,
8 I could use some, Mr. Leventhal, but we'll have to get you an apron first. There are three
9 categories of recommendations from the Committee representing the 43 facilities. I can
10 go very quickly through the three categories pulling out -- there are a couple of very
11 specific issues that the Council needs to address or we can go through building-by-
12 building or project-by-project.

13
14 Council President Leventhal,
15 I think broad categories would be all right and then see if Councilmembers have
16 questions. There appears to be a question now from Ms. Floreen. Mr. Chairman, do you
17 want to pause and take her question at this point?

18
19 Councilmember Subin,
20 Whatever Ms. Floreen's pleasure is. She's the one...

21
22 Multiple Speakers,
23 [INAUDIBLE]

24
25 Councilmember Floreen,
26 I would be delighted to get you tea. My question is simply is there a piece of paper that
27 reflects the financial element of the Committee's recommendation? You have a list of
28 projects. I am missing the Page that would show how it would compare to the County
29 Executive proposal.

30
31 Chuck Sherer,
32 Let me -- if you look at page 4, it shows the total spending in the College's request and
33 what the Executive recommended. And for the six years the College request was
34 \$513.5 million. The Executive recommended \$306.6 million. And in the report that
35 Glenn Orlin prepares every Friday, I see that the Committee has added almost \$6
36 million to the Executive's budget. So that would mean the six-year spending that the
37 Committee recommends is about 312.

38
39 Councilmember Floreen,
40 Okay.

41
42 Councilmember Subin,
43 And most -- most of that...

44
45 Councilmember Floreen,

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1 That's not in the report. But that's I wanted to get.

2
3 Multiple Speakers,
4 [INAUDIBLE]

5
6 Councilmember Subin,
7 For the six years, we were extremely close to the Executive. I believe that the major
8 difference that we had was adding in planning money for a number of projects, which
9 the Executives had said delete until they're closer to the time.

10
11 Councilmember Floreen,
12 That's fine. I couldn't get a sense of where you were financially. So, please continue,
13 Mr. Subin...

14
15 Multiple Speakers,
16 [INAUDIBLE]

17
18 Councilmember Subin,
19 Fundamentally, with the exception of that and another major issue, the Committee
20 concurred with the Executive. If the Council can turn to page 1, we approved the
21 following projects as the College requested, that is the list. The Executive approved 17
22 as the College had specifically requested. The big differences outside of some timing
23 were number 21 to 24. The easiest to go over first is the Germantown access road,
24 which is an additional road that would be put in up in Germantown. If can you envision
25 the Germantown Campus, there is one road in and one road out. And it's one lane on
26 each side. And in the event of an emergency, if a number of emergency vehicles had to
27 get in, and folks get out, it would not work. If the road were blocked, then folks could not
28 get off the campus -- and literally and figuratively simply by jumping a fence would be
29 the only way they could do it. The Executive did not believe that the access road -- there
30 was enough planning and design, and it should be deleted until they're ready to come
31 back with planning and design. The College was asking to do it in '08. Staff had
32 recommended that we do it in '07, but the College said that they just couldn't get it done
33 in '07. Hopefully they'll come back next year to get that done again. There was no --
34 there was no question whether one was needed or not. It was simply a matter of are
35 they ready to go ahead at this point and put those construction funds in. 21, 22, and 23
36 are three projects the Executive approved had for the College and put funding in...

37
38 Councilmember Floreen,
39 Here's your tea, Mr. Subin.

40
41 Councilmember Subin,
42 Does it mix with Coke...Coca-cola? The Executive put those in for a three-year
43 expenditure profile. The College said we need the three facilities done as we requested
44 and were told not to worry, the money will be there, you'll be able to get it out in the
45 second year. The College was comfortable with that, the Committee was not. We were

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1 concerned about what might happen with available moneys in those years and if the
2 College had to take it we didn't know where it would come from. It was the Committee's
3 recommendation to the full Council that would show it as the College expects to expend
4 those monies rather than show something and if we need to go in and look at
5 reconciliation and different profiles, we told the College they might need to look at those
6 three projects and see what could be put off until the third year. But we were more
7 comfortable saying show it as we expect it and I'm going to let it go at that. The next
8 category -- any specific questions on any of those projects? The next category was a
9 category where the Executive had come in with the new budget demonstration to say
10 there were a number of projects where design had not gone far enough and it was
11 premature to show any construction funds. In this budget, they went a step further --
12 and this is not a criticism at all -- But to set up where the Committee ended up to say
13 they are not even far enough with being ready to go with design, don't even show that.
14 Delete the projects until they're ready to show the design and then come back in. What
15 the Committee felt and it was on projects 9 through 13, which are the Humanity and
16 Social Science Building, the Rockville Library Resource Center of Science and Applied
17 Studies (phase two), Takoma Park/Silver Spring Information Science Pavilion, and
18 Takoma Park/Silver Spring Student Services Pavilion, they were far enough along in
19 concept to be able to move forward with the design but still not show the construction
20 monies until they completed that. In terms of the third category, which was you're not far
21 enough down that path were the Germantown parking garage and the Rockville parking
22 garage, both of which also, however, will be fee paid. So those were the three general
23 categories. Again, the Committee was very close to agreement with the Executive's full
24 recommendation except in the concept of showing a two- or three-year spending profile
25 for the Germantown access road and the five projects which we felt that the College
26 was far along enough in concept that they could proceed to design. That's the
27 Committee's recommendation, Mr. President.

28
29 Council President Leventhal,

30 Very good, we appreciate your good work on that, Mr. Chairman, and we all recognize
31 the space constraints and the enrollment increases at the College, it's an increasingly
32 popular destination for high school grads in Montgomery County who are being
33 squeezed by tuition increases at the University of Maryland. We are going to -- I hope --
34 based on the County Executive proposal, hold tuition constant this year and that's going
35 to more dramatically affect your space constraints as more and more people recognize
36 what a great value they get for their dollar at Montgomery College. Any questions? I
37 don't see any. So without objections, the Montgomery College CIP as recommended by
38 the Education Committee is adopted. And that would then take us to the Department of
39 Health and Human Services which we've done a little work on here. We have a few
40 child care centers proposed to be built at Arcola Elementary School and Galway
41 Elementary School, and planning dollars in future years for two additional child care
42 centers at Weller Road Elementary School and Bel Pre Elementary School. We have
43 school-based health centers, we are increasing the number of school-based health
44 centers in the CIP by 2, Summit Hall and New Hampshire Estates Elementary Schools,
45 for a total of \$209,000 in FY '07. We are also developing criteria to evaluate future sites

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1 for school-based health centers. It's 1.5 million over the six-year CIP for each -- for each
2 school-based health center. The County Executive recommends -- Ms. Praisner.

3
4 Councilmember Praisner,
5 No. It's okay.

6
7 Council President Leventhal,
8 The County Executive recommends that we continue to work with Easter Seals on its
9 facility in Silver Spring. There are no funds. I guess we will be seeking a grant from the
10 federal government. The County's already contributed half a million for that on the
11 Easter Seals' Generational Center. And that would do it for the HHS CIP. We don't build
12 a lot of buildings in the Health and Human Services Department. Ms. Praisner.

13
14 Councilmember Praisner,
15 I just -- in looking again and thinking about the school-based health centers, I
16 understand the two projects that have been identified. But to the extent we're doing
17 modernizations of existing buildings that have projects in front of them, they then would
18 be eligible for state funding in the school construction program since I don't believe Mr.
19 Erlich changed the rules that Governor Glendening put in place. So it would seem to me
20 we need to make sure we're looking at that in an integrated way. [INAUDIBLE]

21
22 Unidentified Speaker,
23 I believe the school system is looking at that.

24
25 Councilmember Praisner,
26 With the modernization schedule.

27
28 Unidentified Speaker,
29 Yes.

30
31 Councilmember Praisner,
32 Okay. Thank you.

33
34 Council President Leventhal,
35 Okay, is there objection to the recommendations of the Health and Human Services
36 Committee for the HHS Department CIP? Without objection, the HHS CIP will be
37 adopted. We now turn to the PHED Committee, first the Department of Recreation.
38 Chairman Silverman, go ahead.

39
40 Councilmember Silverman,
41 Thank you, thank you, Mr. President. The Committee unanimously recommended a
42 variety of capital projects, there was the Montgomery Aquatic Center diving tower
43 replacement, this -- let's see, here we are -- total cost is \$1.3 million and some change.
44 We asked for other information about list of pools that have diving facilities similar to the
45 Aquatic Center and the Department stated this tower is unique. We won't be facing this

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again. In connection with the Midcounty Community Recreation Center there was an increase in total cost of 20%. The Committee continued its recommendation support for the [Queen's Guard] site that is scheduled for design in FY '07 construction and FY '07-'09. North Bethesda Community Recreation Center, the developer of the Davis tract has proposed to Park and Planning, they have put the facility into an office building in phase 3, the County's not happy with the developer's proposal and the County attorney is reviewing the issue. This continues to be a source of frustration for everyone. And particularly since it's clearly tied into the donation of a site by the developer and that the schedule can change depending on how fast or how slow the development of the Davis tract is. North Potomac Community Recreation Center, we added a sentence to the narrative at the other end of the "Other" block saying the timing of construction can't be guaranteed because there is at least one holdout property owner who's using the property for a landscaping business. This is -- in this case construction costs are shown in the expenditure schedule. And the total range of costs will be between \$33 and \$37 million, primarily a function at the higher level because of the cost of land, right? Yes. Yes. That's why it's could be as much as \$37 million compared to other facilities. This was the only place in town as I recall in North Potomac. Upper Rock -- Upper County outdoor pool renovation, the total cost and schedule are unchanged for the renovations that have to be done in the Upper County, outdoor pool renovation. And finally, the White Oak Community Recreation Center, we approved. We asked OMB to propose language to be added to the narrative explaining the center is expected to open in FY '09 even though there is a movement of money to F'10 -- FY '10. Do we have that language yet?

Martha Lamborn,
I think I forgot to do it.

Councilmember Silverman,
Okay, well...

Martha Lamborn,
We'll get it to you.

Councilmember Silverman,
Fine. Okay. That, that's the summary of Committee action. We also asked for a copy of the long-range facilities plan that Park and Planning had included in their submission to the state and we'll get a briefing at post-budget on that. That's it.

Council President Leventhal,
All right. Very good. A lot of questions here. Mr. Knapp.

Councilmember Knapp,
No question, I just wanted to thank DPWT and the Department for their efforts in opening the Germantown Indoor Swim Center.

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Council President Leventhal,
It's a beauty.

Councilmember Knapp,
It is a fabulous facility and quoting from a letter to the editor last week or the week before as a result of the successful swim -- swim and dive championships that took place "And judging from the way the pool is constructed, clearly it's a fast pool and a number of records were broken, including a national record" and I wanted to thank everyone. We had number of issues with not great publicity as it relates to getting some structures built and this is a success story and I wanted to thank you for your efforts.

Council President Leventhal,
Mr. Andrews.

Councilmember Silverman,
Do view they have special water or something there?

Councilmember Knapp,
It is, I'm just learning this as a relatively new swim parent that there are fast pools and slow pools but clearly this is a...

Unidentified Speaker,
Check the length of the pool.

[LAUGHTER]

Council President Leventhal,
Mr. Andrews.

Councilmember Andrews,
Oops, it's two-meters too short. No, it must be the thin water -- thin air, thin water up there.

Council President Leventhal,
Mr. Andrews has the floor.

Councilmember Andrews,
Okay. I wanted to ask the Executive branch if -- is the reason for the delay of the North Potomac Community Center the difficulty in acquiring that last property?

Martha Lamborn,
Yes.

Councilmember Andrews,

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1 All right. Now, but why if it's being delayed two years for that reason, would there be a
2 question of being able to construct it on the schedule that you're proposing that is two
3 years later than what it is now? Doesn't the County have the ability to move on this to
4 ensure that if the property owner is not willing to sell that the land is obtained by other
5 means for this project? How long can this one property owner delay the construction of
6 this project?

7
8 Martha Lamborn,
9 If we need to go to other means of obtains the property, the timing is about two years.
10 That's actually why we...

11
12 Councilmember Andrews,
13 Yes. All right. Well, two years from now is 2008, not 2010. So it seems to me that with
14 the two-year delay, I don't understand why there would be any question that you
15 couldn't stay on that construction schedule if the change is already a two-year delay.

16
17 Martha Lamborn,
18 There are still a number of questions floating around the ability to use condemnation as
19 a means of obtaining property. That's our best estimate. If you want to accelerate it,
20 please feel free, I'm not really sure that we'll be able to produce.

21
22 Councilmember Andrews,
23 Well, give me -- maybe we can talk one-on-one on this, but I'm interested in getting a
24 more detailed description of the County's approach to this property and the time line on
25 it and when you plan to initiate whatever proceedings would be necessary. Thank you.

26
27 Martha Lamborn,
28 Sure. Sure.

29
30 Council President Leventhal,
31 Ms. Praisner.

32
33 Councilmember Praisner,
34 I wanted to highlight something because it's not specifically highlighted within the
35 packet. It's under the recreation facility development plan comments, just in the
36 discussion that we had. because -- and Mr. Bourne may want to make a one- or two-
37 sentence comment about it. Because we did have discussion about existing smaller
38 size recreation centers like Scotland, Ross Boddy, et cetera, where there are issues of -
39 - you have been working on some of those by looking at the facility, looking at the
40 needs, and looking at what might be possible as far as modifications to those smaller
41 sites. And I just wanted you to have the opportunity to comment on where you are with
42 that issue.

43
44 Mr. Bourne,

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1 That's a significant concern with those older facilities. We have been working with
2 DPWT, specifically with the Capital Development section, in terms of the facility
3 planning process for five neighborhood center facilities. I believe at the Committee
4 hearing it was reported that sometime summer, early fall, that process should come to a
5 conclusion. Then there would be information sufficient for a possible consideration in
6 the next cycle of individual projects. So that is continuing to...

7
8 Councilmember Praisner,

9 Thank you, thought it was helpful since it was not highlighted, and Mr. [Behr] and I and
10 you and all of us have had conversations about Ross Boddy. And I am sure there have
11 been conversations about others, at least six, eight months ago, a year ago.

12
13 Mr. Bourne,

14 Yes, ma'am.

15
16 Councilmember Silverman,

17 That's right, let me just follow up by saying we're aiming to get moving on these
18 neighborhood centers. So there will be an opportunity in the future to see what can be
19 done on those sites. Thank you for mentioning it.

20
21 Councilmember Praisner,

22 I just didn't want to leave an impression that the County wasn't looking at the issues.

23
24 Councilmember Silverman,

25 No, we will float our way through.

26
27 Council President Leventhal,

28 So just to close out, then we would expect then that those smaller community centers
29 might get addressed with separate PDFs in the next two years from now, in the next
30 CIP?

31
32 Mr. Bourne,

33 Go ahead.

34
35 Martha Lamborn,

36 I really would hate to commit anything to you. That is -- the plan is that the next CIP we
37 will bring forward a plan to address all five of them in the proper order and knowing
38 actually what we need to do.

39
40 Council President Leventhal,

41 My understanding has been with the rec centers there is a queue, as in the school
42 system there. In other words, there's some method of evaluating age and the last time
43 they were modernized and urgency and safety, and some criteria, is there not?

44
45 Martha Lamborn,

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1 These small centers have not been on a schedule. That's why we're taking them
2 separately.

3
4 Councilmember Silverman,
5 Right, they haven't been looked at for purposes of what could be done on the site, what
6 options are available. It's separate from the normal schedule of our community
7 recreation centers, which there is a plan that you can look at and say he's the next one
8 that is supposed to be done.

9
10 Councilmember Praisner,
11 But we had asked for it.

12
13 Councilmember Silverman,
14 We did, we asked for it and we're expecting that they'll be back, what, next week? No.

15
16 Council President Leventhal,
17 But not in this CIP?

18
19 Councilmember Silverman,
20 Not in this CIP.

21
22 Councilmember Praisner,
23 No, no.

24
25 Councilmember Silverman,
26 But the money is in there for them to do facility planning to be able to come back
27 presumably, you know, in the next -- as early as the next CIP. That'll be a decision to be
28 made, but the information will be available.

29
30 Council President Leventhal,
31 Um-hmm. So the facility planning money is where? Where is that in the CIP?

32
33 Councilmember Silverman,
34 In Facility Planning.

35
36 Council President Leventhal,
37 Just General and Facility Planning.

38
39 Councilmember Silverman,
40 Right.

41
42 Council President Leventhal,
43 We could actually state if anyone were interested in those community centers we're
44 appropriating money to begin the process this year.

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1 Councilmember Praisner,
2 Right.

3
4 Councilmember Silverman,
5 Absolutely. We, in fact, not only could we, we're stating that.

6
7 Martha Lamborn,
8 Actually, that would be assuming that you pass the Facility Planning Project.

9
10 Councilmember Silverman,
11 Right.

12
13 Council President Leventhal,
14 Right.

15
16 Councilmember Floreen,
17 If proposed and agreed to.

18
19 Council President Leventhal,
20 Right, very good, thank you.

21
22 Councilmember Praisner,
23 You can see why I wanted to make sure...

24
25 Councilmember Silverman,
26 Absolutely.

27
28 Council President Leventhal,
29 Mr. Knapp.

30
31 Councilmember Knapp,
32 As to the -- what are five smaller community centers?

33
34 Councilmember Silverman,
35 There -- it's on page 2 of the packet: Clara Barton, Good Hope, Plum Gar -- Plum Gar --
36 Plum Gar, Ross Boddy, and Scotland.

37
38 Councilmember Knapp,
39 Okay, just checking to make sure I knew the list, that's all.

40
41 Councilmember Subin,
42 Did you hear Plum Gar was on the list?

43
44 Councilmember Knapp,
45 Pardon?

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1
2 Councilmember Silverman,
3 Did you hear Plum Gar?

4
5 Councilmember Knapp,
6 Is Plum Gar on this list?

7
8 Councilmember Subin,
9 Plum Gar is on the list.

10
11 Councilmember Knapp,
12 Good, good. Glad to hear that. Thanks.

13
14 Councilmember Praisner,
15 Nobody asks about Clara Barton.

16
17 Council President Leventhal,
18 Okay. Anything else Mr. Chairman -- Chairman Silverman?

19
20 Councilmember Silverman,
21 No.

22
23 Council President Leventhal,
24 Is that all on the Recreation Department recommendation?

25
26 Councilmember Silverman,
27 That is all. That's the Committee's recommendation. With additional kibitzing

28
29 [LAUGHTER]

30
31 Councilmember Praisner,
32 No, it's information sharing, Mr. Silverman. That's right. That's what kibitzing means in
33 Yiddish.

34
35 Council President Leventhal,
36 Is there objection?

37
38 Councilmember Praisner,
39 [INAUDIBLE]

40
41 Council President Leventhal,
42 It's late in the day. We're getting punchy. Is there objection to the adoption of the PHED
43 Committee's recommendations on the Rec Department CIP? Hearing no objection, the
44 Rec Department CIP is adopted, which would take us to General Government Projects.
45 Who is walking us through that? Is it still PHED?

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Multiple Speakers,
PHED.

Council President Leventhal,
Mr. Silverman.

Councilmember Silverman,
We only have a couple. Okay, this is Agenda Item 19-A, for those following along at home. The PHED Committee is recommending the Council approve the Silver Spring Redevelopment PDF and add language to PDF to include the Veteran's Plaza Ice Rink and Pavilion as part of the description of the project, and to also state that the ice rink will be a privately-operated fee-based rink. This is a -- I'm trying to look at the price tag on this, where is it here? Okay, \$4.518 million for the Veteran's Plaza Ice Rink and Pavilion, which has been included in the PDF for Silver Spring Redevelopment. The breakdown is on page 2: \$2 million is the pavilion, 1.2 is Veteran's Plaza, half a million for the ice rink, and \$800,000 in design fees, contingency, general conditions. That was the unanimous approval. The second piece was approval of the Civic Building, unanimously. We did have a split vote on adding language to the PDF stating that County government will be in charge of the management of the Civic Building, and the Office of Community Use of Public Facilities will be in charge of scheduling the building. Do we have -- is that language here?

Councilmember Praisner,
No, I think they have to add that, too.

Unidentified Speaker,
I haven't added it.

Councilmember Silverman,
Okay, this came out of a continuing discussion about what was going to happen in terms of the management operation of the Civic Building. The majority position was to make it clear who is going to be -- who is going to be in charge of the management of the Civic Building. I preferred to wait until we actually got closer to some determination of the status of this non-profit organization and that we didn't have to make a decision in this PDF for the management operations of the building. But I was outvoted.

Councilmember Praisner,
Okay.

Councilmember Silverman,
And...

[LAUGHTER]

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1 Council President Leventhal,
2 Mr. Perez.

3
4 Councilmember Perez,
5 Again, I wanted to reiterate my thanks to both the County Executive and to the
6 community. It was a very -- I have a vivid memory of the number of meetings in which
7 there were many predictions of gloom and doom that we were not going get there. Gary
8 and everyone in the Regional Services Center was exceedingly responsive to the
9 community. And appreciate Doug's involvement and better late than never and I think
10 we're finally on track to move forward. And as I am probably downtown Silver Spring
11 four or five days a week and to see that little green space there is remarkably used and
12 this is going to be a community anchor. Thank you to everybody who participated. I
13 think this really is a home run for downtown Silver Spring. And I would like to be
14 recorded in the affirmative on the other votes. I apologize, I had to step out. That's on
15 the earlier votes for the other CIP items that were deliberated in my temporary absence.

16
17 Council President Leventhal,
18 You have to read the entire list of the votes you missed, Mr. Perez.

19
20 [LAUGHTER]

21
22 Council President Leventhal,
23 I'm kidding.

24
25 Councilmember Perez,
26 I actually did. I read over her shoulder.

27
28 Council President Leventhal,
29 I'm kidding. Without objection Mr. Perez will be added on all of those items. Okay. Is
30 that it? Silver Spring Civic [INAUDIBLE]? All right, let's skate away from that one, and
31 we are...

32
33 Councilmember Praisner,
34 "Skate away from that one." Wow!

35
36 Council President Leventhal,
37 ...moving to the...

38
39 Councilmember Silverman,
40 19-B.

41
42 Council President Leventhal,
43 19-B: the Life Sciences Technology project.

44
45 Councilmember Silverman,

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1 This is the -- thank you , Mr. President -- this is a Life Sciences Technology Projects
2 PDF which covers Germantown Life Sciences Park at Montgomery College and the
3 Northwest and East County Center For Science and Technology in the Fairland area in
4 the east portion of the County. It also provides funds for development of Germantown,
5 East County, and Rockville business incubators. The request is for \$400,000: \$350,000
6 for planning and design, \$50,000 for a variety of other expenses. The addition of the
7 Rockville Incubator project and increased cost to develop the other incubators and Tech
8 Parks is added to the overall cost of the project, but the only FY '07 are current revenue
9 \$400,000. The Committee unanimously recommended approval. And we're expecting
10 DED to provide information on the various Life Science Projects during the Operating
11 Budget work session and we'll be looking at this again after the general assembly is
12 done.

13
14 Council President Leventhal,
15 Okey-dokey. Hearing no objections, the Life Science and Technology PDF is adopted.
16 Taking us to the Washington Adventist Health Care Project in Long Branch.

17
18 Councilmember Silverman,
19 This is the request from the County Executive to provide incentive funding in the form of
20 a \$2.1 million conditional grant to be dispersed over the course of three years to the
21 Adventist Health Care for its Long Branch Medical Office Building project. This project
22 will be the first economic redevelopment project that anyone can remember in a long
23 time in Long Branch. There have been an extraordinary amount of public dollars that
24 have gone into Long Branch but this is the first private sector venture. This is a -- did we
25 decide how much it was? \$16.5 million? We think it's more than that. \$20 million?
26 Private investment. And we're putting in \$2.1 million over three years. We deferred this
27 originally to find out what Park and Planning was going to do. They approved it with
28 conditions on March 9th and it will then move forward. And the Committee voted 2-0,
29 Ms. Floreen was away on other Council business to support this car-sharing effort.

30
31 Council President Leventhal,
32 Great. I am so in favor of the project and I will say so in a moment. I had a couple of
33 questions. If anyone knows the answer about the Planning Board. I know we have a
34 ZTA pending that would apply site planning requirements in the C-2 zone. So is the
35 Planning Board completely done with the project now?

36
37 Councilmember Praisner,
38 No, no.

39
40 Councilmember Silverman,
41 Okay, what was -- if I may, Mr. President?

42
43 Council President Leventhal,
44 Yes.

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1 Councilmember Silverman,
2 What was introduced would cover only C-2 zones over 200,000 square feet or more,
3 which this isn't covered by.

4
5 Council President Leventhal,
6 Fine. The fact the Planning Board approved the project, are they done? Does it ever
7 come back before them?

8
9 Councilmember Silverman,
10 Well, it's -- however, I should say that the Planning Board did recommend in their
11 testimony on Ms. Praisner's ZTA that they actually cover virtually everything in C-2
12 zones.

13
14 Council President Leventhal,
15 So, if we pass the ZTA, this would come back before the Planning Board?

16
17 Councilmember Silverman,
18 Only if we pass it basically at the threshold that Ms. Praisner introduced then it won't
19 apply, it's below that.

20
21 Council President Leventhal,
22 A project less than 200,000. I get that. I get that. Will this matter come before the
23 Planning Board?

24
25 Unidentified Speaker,
26 This is actually a C-1 zone.

27
28 Council President Leventhal,
29 Ah! Will this project ever come...

30
31 Councilmember Silverman,
32 Oh well, it would help if we actually paid attention...

33
34 Council President Leventhal,
35 Could I get an answer to my question? Will this project ever come back before the
36 Planning Board or is the Planning Board completely done with the project?

37
38 Unidentified Speaker,
39 The Planning Board decided the case and approved the project as proposed in the site
40 plan.

41
42 Council President Leventhal,
43 Thank you, I'm delighted they did that, I just wanted to understand where this stood. I
44 share Mr. Silverman's support for this project and he's correct that in the last several
45 decade there have not -- investors have not been lining up around the block at Flower

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1 and Arliss to put money into this challenged intersection. I hope the County's investment
2 in this is the beginning -- and I know the Planning Board is working to take a new look at
3 a variety of older shopping centers throughout the County. One of the most frequent
4 complaints I hear from the constituents is that they don't have the amenities that they
5 want at the neighborhood shopping center, wherever that is. And Long Branch is sort of
6 the poster child for that problem. but I hear a lot of complaints from neighbors in
7 Hillendale, near the FDA project, Glenmont Shopping Center, and there are others. I
8 know the Planning Board is working on its Centers and Boulevards study that would try
9 and take a fresh look at some of these commercial areas. I think that what the Urban
10 Land Institute has proposed for the block at Flower, Arliss, and Piney Branch is exactly
11 what I and other neighbors in Long Branch have been calling for over the 20 years that
12 I've lived in that neighborhood and advocated myself, long before I was elected to public
13 office, calling for. So I really want to thank President [Stocks] and the Adventist
14 Healthcare System for taking the first step in what I think can have ripple effects
15 throughout the County of taking a new and innovative look at some of these
16 underdeveloped or and underinvested centers aren't a level of providing amenities that
17 people in the surrounding communities will benefit from. I was in close contact with
18 some of the neighbors of this project and I know that change is threatening at all times.
19 One of my favorite quotes is from Woodrow Wilson who said, "If you want to make
20 enemies, try to change something." For years I talked with people in the immediate
21 vicinity of this intersection, including some of the people who protested this
22 development, talking about wouldn't it be great if we could see some high-class office
23 space and dining and shopping and other amenities, which I think this office space will
24 be the very first step in getting the dining and shopping that come with it. Unfortunately
25 some of those folks didn't see the benefit of the project, but I am glad the Planning
26 Board did. I know that there's a lot of community support for the project and I am
27 persuaded that once it gets up and running and once the dining and shopping follow
28 even those neighbors who had concerns will see it is significantly to their benefit and I'm
29 very happy to vote for this. Mr. Perez?

30
31 Councilmember Perez,

32 Thank you. What is your time line, assuming there's no appeal? I mean, obviously if
33 there's an appeal that could delay things.

34
35 Unidentified Speaker,

36 I hope we break ground this summer. That is our desire and we are pushing to make
37 that happen. It will be 14 months before it is complete.

38
39 Councilmember Perez,

40 What was the resolution on the parking issue? Was that discussed last week in the
41 hearing?

42
43 Unidentified Speaker,

44 You want to address that, please?

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1 Unidentified Speaker,
2 There was a lot of discussion about parking, the hearing went on for quite some time.
3 And the community appealed the DPS letter categorizing what the parking category is to
4 the Board of Appeals, and the Planning Board's with staff -- Park and Planning's staff's
5 recommendation said that they agreed with the Department of Permitting Services'
6 recommendation. And the Planning Board approved the determination -- approved the
7 site plan and the preliminary plan for the project.

8
9 Councilmember Silverman,
10 That would suggest since it is going to the Board of Appeals, that will be a few months. I
11 would assume.

12
13 Unidentified Speaker,
14 In terms of the Board of Appeals?

15
16 Councilmember Silverman,
17 Yeah.

18
19 Unidentified Speaker,
20 Yeah, I think we all have a difference of opinions, I believe the Planning Board decided
21 that issue. I mean that's kind of down the road. They've approved the site plan included
22 with the parking requirements, believing that Adventist was providing and required to
23 provide the parking that was necessary for the property.

24
25 Councilmember Perez,
26 How many jobs, I used to know the answer to this question, how many jobs will it
27 created when you're...

28
29 Unidentified Speaker,
30 116.

31
32 Councilmember Silverman,
33 There are also jobs that will be created in the first two years during construction.

34
35 Councilmember Perez,
36 Of course.

37
38 Councilmember Silverman,
39 And we suggested that in the course of the Adventist Healthcare contracting that it
40 would be great if there were opportunities for folks living in the community to participate
41 in the construction of the project.

42
43 Councilmember Perez,
44 I know there's a member of your board that's advocating quite forcefully for that. I am
45 confident it will happen. I share the happiness that this is moving forward. I certainly

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1 respect the concerns that some in the community raised. I think, on balance, the
2 recommendations of the task force where to go full steam ahead. I do know that a
3 number of accommodations were made, perhaps not enough to assuage some of the
4 concerns of the community, but by and large I think this is a project that is, as others
5 have pointed out, sorely needed. I am looking forward to breaking ground and
6 employing some local people and to providing much needed service to this community
7 and serving as the catalyst for so much more -- so many more good things to come.
8 Thank you.

9
10 Council President Leventhal,
11 Without objection, the Washington Adventist Hospital commercial office facility at Long
12 Branch is approved. And that includes the County Council's business for today. The
13 T&E Committee will have a public earring tonight at 7:30.

14
15 Councilmember Perez,
16 And everybody is invited 'cause it's Water and Sewer.
17
18